came retirement from public life, receiving in private station from his fellow-citizens the honors which were due to him as the first and greatest citizen of his State. The end of his glorious life came on the 14th of November, 1832, he having reached an age almost unprecedented among the men of his time, almost 96 years. He was the last survivor of the signers of the Declaration of Independence.

Such was the character, such were the services of the two Marylanders whom our statues typify as the best product of the manhood of our soil. They have passed away, but they shall be ever remembered, and their fame will extend into the distant future. Their influence has not ceased. True it is, the principles which they evolved and for which they struggled seem at present to be obscured by an eclipse. If it be so, would it not be well upon this occasion to call a halt in the fateful march, would it not be well to look backward, and, if necessary, retrace our steps until we may stand again in that altitude where our vision will become bright and clear, where the flash light of an indiscreet ambition, of a desire for "world power," for territorial expansion and colonial aggrandizement shall forever pass away, and in its stead we shall see again that light which led us for a century and a quarter in honorable history and glorious achievement as a nation? We shall march to the music of the song of the great Declaration for which Charles Carroll and John Hanson lived and labored throughout many years, and realize, as did they, that our strength as a nation depends upon the exemplification of the grandest doctrine ever promulgated to men—that they shall be free and govern themselves, under God, according to their own consent and pleasure. [Applause in the galleries.]

Mr. HOAR. Mr. President, I ask that an order be made that the Senator from Virginia [Mr. DANIEL] be permitted to put into the RECORD and into the account of the proceedings of this day, when published otherwise, the remarks he had intended to make.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent that the Senator from Virginia [Mr. DANIEL] may be permitted to publish in the RECORD and make part of the record of this day's proceedings the speech which he had prepared and had intended to have made, but which he has been prevented from doing by sickness. Is there objection to the request. The Chair hears none, and that order is made.

Mr. WELLINGTON. Mr. President, I ask that the concurrent resolution offered by my colleague be adopted.

The PRESIDENT pro tempore. The question is on the adoption of the concurrent resolution offered by the Senator from Maryland [Mr. MCCOMAS].

The concurrent resolution was unanimously agreed to.

Mr. WELLINGTON. I now move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 17 minutes p. m.) the Senate adjourned until Monday, February 2, 1903, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 31, 1903.

CONSUL.

William H. Bishop, of Connecticut, to be consul of the United States at Genoa, Italy, vice Richmond Pearson, appointed envoy extraordinary and minister plenipotentiary to Persia.

COLLECTORS OF CUSTOMS.

John M. Holzendorf, of Georgia, to be collector of customs for the district of St. Marys, in the State of Georgia, to succeed Budd Coffee, whose term of office has expired by limitation.

John Rosler, of Virginia, to be collector of customs for the district of Tappahannock, in the State Virginia, to succeed Thomas C. Walker, whose term of office has expired by limitation.

SURVEYORS OF CUSTOMS.

Jeremiah J. McCarthy, of Massachusetts, to be surveyor of customs in the district of Boston and Charlestown, in the State of Massachusetts. (Reappointment.)

Charles H. Senseney, of West Virginia, to be surveyor of customs for the port of Wheeling, in the State of West Virginia. (Reappointment.)

ASSISTANT TREASURERS.

George A. Marden, of Massachusetts, to be assistant treasurer of the United States at Boston, Mass. (Reappointment.)

William S. Leib, of Pennsylvania, to be assistant treasurer of the United States at Philadelphia, Pa., to succeed John F. Finney, whose term of office has expired by limitation.

COLLECTOR OF INTERNAL REVENUE.

Peter E. Garlick, to be collector of internal revenue for the Twenty-first district of New York, to succeed Charles C. Cole, resigned.

ASSISTANT SURGEON IN THE NAVY.

Ransom E. Riggs, a citizen of South Carolina, to be an assistant surgeon in the Navy, from the 19th day of January, 1903, to fill a vacancy existing in that grade on that date.

PROMOTIONS IN THE NAVY.

1. Commander Charles C. Cornwell, to be a captain in the Navy from the 10th day of January, 1903, vice Capt. George W. Melville, retired.

2. Pay Inspector Samuel R. Colhoun, to be a pay director in the Navy from the 23d day of November, 1902, vice Pay Director Arthur Burtis, retired.

3. Pay Inspector John N. Speel, to be a pay director in the Navy from the 11th day of January, 1903, vice Pay Director William J. Thomson, retired.

MIDSHIPMEN TO BE ASSISTANT NAVAL CONSTRUCTORS.

1. Julius A. Furer.
2. William B. Fogarty.
3. Sidney M. Henry.
4. Lewis B. McBride.

These nominations are made in lieu of those of January 8, 1903, which are hereby withdrawn.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 31, 1903.

SURVEYOR OF CUSTOMS.

Sidney O. Weeks, of New York, to be surveyor of customs for the port of Patchogue, in the State of New York.

COLLECTORS OF CUSTOMS.

Peter Dippel, of New York, to be collector of customs for the district of Sag Harbor, in the State of New York.

James Low, of New York, to be collector of customs for the district of Niagara, in the State of New York.

POSTMASTERS.

GEORGIA.

Ida R. Wimberly, to be postmaster at Abbeville, in the county of Wilcox and State of Georgia.

John B. Crawford, to be postmaster at Cairo, in the county of Thomas and State of Georgia.

Alfred B. Finley, to be postmaster at Douglas, in the county of Coffee and State of Georgia.

Cicero C. Alexander, to be postmaster at Harmony Grove, in the county of Jackson and State of Georgia.

John C. Massey, to be postmaster at Hartwell, in the county of Hart and State of Georgia.

Newton T. Jones, to be postmaster at Pelham, in the county of Mitchell and State of Georgia.

Job R. Smith, to be postmaster at Winder, in the county of Jackson and State of Georgia.

Samuel M. Davis, jr., to be postmaster at Calhoun, in the county of Gordon and State of Georgia.

Edward Y. Swanson, to be postmaster at Monticello, in the county of Jasper and State of Georgia.

MARYLAND.

William R. Reese, to be postmaster at Crisfield, in the county of Somerset and State of Maryland.

Milton S. Lankford, to be postmaster at Princess Anne, in the county of Somerset and State of Maryland.

MASSACHUSETTS.

James O. Hodges, to be postmaster at Mansfield, in the county of Bristol and State of Massachusetts.

PENNSYLVANIA.

Arthur M. Roy, to be postmaster at Wellsboro, in the county of Tioga and State of Pennsylvania.

George A. Lukehart, to be postmaster at Dubois, in the county of Clearfield and State of Pennsylvania.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January 31, 1903.*

The House met at 12 o'clock m., and was called to order by the Speaker.

Prayer was offered by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

The SPEAKER. The Chair lays before the House a privileged bill.

The Clerk read as follows:

A bill (S. 7063) permitting the building of a dam across the St. Croix River at or near the village of St. Croix Falls, Polk County, Wis.

Be it enacted, etc., That the consent of Congress is hereby granted to St. Croix Falls Wisconsin Improvement Company, a corporation organized under the laws of the State of Wisconsin, and to St. Croix Falls Minnesota Improvement Company, a corporation organized under the laws of the State of

Minnesota, or either of them, their and each of their successors or assigns, to build a dam across the St. Croix River at or near the St. Croix Falls, so called, in said river, and all works incident thereto in the utilization of the power thereby developed: *Provided*, That the plans for the construction of said dam and appurtenant works shall be submitted to and approved by the Chief of Engineers and the Secretary of War before the commencement of the construction of such dam: *And provided further*, That said St. Croix Falls Wisconsin Improvement Company and said St. Croix Falls Minnesota Improvement Company, or either of them, their and each of their successors or assigns shall not deviate from such plans after such approval either before or after the completion of the structure, unless the modification of said plans shall have previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War: *And provided further*, That such dam and the appurtenant works shall be so constructed as to permit the free passage of saw logs without unreasonable hindrance and delay.

SEC. 2. That in case any litigation arises from the building of said dam or from the obstruction of said river by said dam or appurtenant works cases may be tried in the proper courts, as now provided for that purpose in the States of Wisconsin and Minnesota, and in the courts of the United States.

SEC. 3. That this act shall be null and void unless the dam herein authorized be completed within five years from the time of the passage of this act.

SEC. 4. That the right to amend or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 13944. An act granting a pension to Margaret Ann West;
H. R. 13127. An act granting a pension to Nancy Works;
H. R. 14836. An act granting a pension to Rebecca L. Chambers;
H. R. 12981. An act granting a pension to Sarah A. Waltrip;
H. R. 12683. An act granting a pension to Sarah L. Bates;
H. R. 11197. An act granting a pension to minor children of Daniel J. Reedy;
H. R. 623. An act granting a pension to Susan Kennedy;
H. R. 14262. An act granting a pension to Harriet Robinson;
H. R. 14837. An act granting a pension to John H. Roberts;
H. R. 4923. An act granting a pension to William L. Whetsell;
H. R. 10350. An act granting a pension to Rebecca Piper;
H. R. 629. An act granting a pension to Caroline Fitzimmons;
H. H. 14273. An act granting a pension to John H. Whidden;
H. R. 11485. An act granting a pension to Julian McCarthy;
H. R. 9611. An act granting a pension to Maria M. C. Smith;
H. R. 12902. An act granting a pension to Julia Lee;
H. R. 7130. An act granting a pension to Elizabeth Lowden;
H. R. 2783. An act granting a pension to William Dixon;
H. R. 11339. An act granting a pension to Augustus Blount;
H. R. 13233. An act granting a pension to William A. Nelson;
H. R. 15112. An act granting a pension to Matilda A. Marshall;
H. R. 15229. An act granting a pension to James T. Jackson;
H. R. 12324. An act granting a pension to Cora E. Brown;
H. R. 7815. An act granting a pension to Nancy A. Killough;
H. R. 14913. An act granting an increase of pension to Ann M. Morrison;
H. R. 15398. An act granting an increase of pension to Andrew W. Miller;
H. R. 7779. An act granting an increase of pension to William Belk;
H. R. 8175. An act granting an increase of pension to John W. Covey;
H. R. 15433. An act granting an increase of pension to William Heywood;
H. R. 13200. An act granting an increase of pension to Charles B. Greely;
H. R. 10219. An act granting an increase of pension to J. Banks Hunter;
H. R. 13955. An act granting an increase of pension to Jesse A. McIntosh;
H. R. 10826. An act granting an increase of pension to Josiah S. Fay;
H. R. 5718. An act granting an increase of pension to James M. Blades;
H. R. 11694. An act granting an increase of pension to Dennis F. Andre;
H. R. 12413. An act granting an increase of pension to William Zickerick;
H. R. 7680. An act granting an increase of pension to David C. Yakey;
H. R. 15385. An act granting an increase of pension to Alfred J. Sellers;
H. R. 8721. An act granting an increase of pension to Joseph Westbrook; and
H. R. 14373. An act granting an increase of pension to William H. Loyd.
H. R. 8447. An act granting an increase of pension to John McArthur;
H. R. 15549. An act granting an increase of pension to John Wright;
H. R. 12812. An act granting an increase of pension to Otis T. Hooper;
H. R. 3907. An act granting an increase of pension to John H. Sare;
H. R. 15648. An act granting an increase of pension to Lester H. Salsbury;
H. R. 15441. An act granting an increase of pension to Josiah Stackpole;
H. R. 15069. An act granting an increase of pension to Daniel P. Marshall;
H. R. 10698. An act providing for allotments of lands in severalty to the Indians of the Lac Courte Oreille and Lac du Flambeau reservations, in the State of Wisconsin;
H. R. 15922. An act to enable the Secretary of Agriculture to more effectually suppress and prevent the spread of contagious and infectious diseases of live stock, and for other purposes;
H. R. 1592. An act for the relief of F. M. Vowells;
H. J. Res. 216. Joint resolution extending the provision granting to the State of Pennsylvania the use of the court-house at Scranton and Williamsport, Pa.;
H. R. 5007. An act granting an increase of pension to James W. Messick;
H. R. 8152. An act granting an increase of pension to William S. Hutchinson;
H. R. 12563. An act granting an increase of pension to Horace Fountain;
H. R. 9776. An act granting an increase of pension to Alice A. Fitch;
H. R. 13262. An act granting an increase of pension to James N. Spencer;
H. R. 16011. An act granting an increase of pension to Morton A. Leach;
H. R. 12215. An act granting an increase of pension to Henry M. Posey;
H. R. 10757. An act granting an increase of pension to Lewis Fishbaugh;
H. R. 14265. An act granting an increase of pension to Helen M. Packard;
H. R. 13353. An act granting an increase of pension to George Thompson;
H. R. 3302. An act granting an increase of pension to Henry G. Wheeler;
H. R. 10214. An act granting an increase of pension to Henry Thomas;
H. R. 9734. An act granting an increase of pension to John P. Peterman;
H. R. 7385. An act granting an increase of pension to John Kelly, second;
H. R. 9658. An act granting an increase of pension to Robert Stewart;
H. R. 16224. An act granting an increase of pension to William Montgomery;
H. R. 8247. An act granting an increase of pension to Francis M. McCoy;
H. R. 4437. An act granting an increase of pension to Absalom Case;
H. R. 15874. An act granting an increase of pension to Rebecca R. Greer;
H. R. 15789. An act granting an increase of pension to Benjamin Cooper;
H. R. 11280. An act granting an increase of pension to Henry J. Feltus;
H. R. 12701. An act granting an increase of pension to Milton Noakes;
H. R. 13472. An act granting an increase of pension to Lewis Wilcox;
H. R. 15999. An act granting an increase of pension to William F. Loomis;
H. R. 15113. An act granting an increase of pension to John Murphy;
H. R. 7766. An act granting an increase of pension to John Huffman;
H. R. 13997. An act granting an increase of pension to Lyman A. L. Gilbert;
H. R. 13463. An act granting an increase of pension to Hiram A. Hober;
H. R. 14256. An act granting an increase of pension to Jesse R. Dewstoe;
H. R. 15114. An act granting an increase of pension to Alonzo F. Canfield;
H. R. 1617. An act granting an increase of pension to Margaret A. Osborn;
H. R. 5792. An act granting an increase of pension to Andrew J. Reeves;

H. R. 9153. An act granting an increase of pension to John D. Binford;

H. R. 13839. An act granting an increase of pension to John W. B. Huntsman;

H. R. 15063. An act granting an increase of pension to William R. Thompson;

H. R. 15682. An act granting an increase of pension to Jared P. Hubbard;

H. R. 14751. An act granting an increase of pension to Regina F. Palmer;

H. R. 12877. An act granting an increase of pension to James N. Gates;

H. R. 15729. An act granting an increase of pension to Abner M. Judkins;

H. R. 15396. An act granting an increase of pension to George H. Stone;

H. R. 14185. An act granting an increase of pension to Albert Blood; and

H. R. 15416. An act granting an increase of pension to William Thompson.

ENROLLED BILL SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 13679. An act to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 3512. An act fixing the punishment for the larceny of horses, cattle, and other live stock in the Indian Territory, and for other purposes; and

S. 6595. An act fixing the times and places for holding regular terms of the United States circuit and district courts in the western district of Virginia, and for other purposes.

CARTER B. HARRISON

The SPEAKER also laid before the House the bill (H. R. 11139) granting a pension to Carter B. Harrison, with Senate amendments.

The Senate amendments were read.

Mr. SULLOWAY. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

POST-OFFICE APPROPRIATION BILL.

Mr. LOUD. Mr. Speaker, I move that the House now resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16990, the Post-Office appropriation bill.

The motion was agreed to; accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. HEPBURN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16990, the Post-Office appropriation bill.

Mr. SWANSON. Mr. Chairman, I now yield fifty minutes to the gentleman from North Carolina [Mr. POU].

Mr. POU. Mr. Chairman, it is probably not out of place at this time for some one to call the attention of the country to the comedy in which certain politicians are engaged.

A very serious proposition confronts the Republican party. It is this: How far can it really proceed with antitrust legislation without injuring the trusts? How drastic a bill can it pass which will really be inoperative? How far can it proceed with the attack and yet leave its trust friends uninjured? Is it possible for it to do the Sherman Act over again? Can it fool the people a little while longer?

The provisions of all the bills which Republican ingenuity up to this time has been able to evolve may be summed up under two heads. First, the requirement of publicity in the management of the trusts; second, the inhibition against discrimination in interstate commerce. The first four sections of the substitute offered by the Judiciary Committee require publicity. The fifth, sixth, and seventh sections present the plan of the committee whereby discrimination may be prevented. The eighth, ninth, tenth, and eleventh sections provide machinery by which the law is to be enforced. The trusts do not appear to be alarmed at all at the proposed legislation, and, so far as appears, the legislation stimulates but little hope in the breasts of those who have suffered. In my opinion, Mr. Chairman, the bill is utterly inadequate.

It really looks, Mr. Chairman, as if the substitute bill were drawn to protect the trusts which are now oppressing the people, for upon its very threshold the bill exempts all of these lawbreakers from its operation. It provides "that every corporation which may be *hereafter* organized shall, at the time of engaging in interstate or foreign commerce, file the return hereinafter provided for." I do not believe that the publicity required by this bill will afford any substantial remedy, but it appears that a majority of the committee, for some reason, has left absolutely exempt from the operation of the bill all corporations except those which may be hereafter organized. What have our great lawbreakers done that they should be thus favored by the majority of the committee? Why should they be permitted to enjoy this advantage? Why should they be allowed to live in the shadow, while new trusts must live in the sunlight?

A favorite expression of our Republican friends is that there are good trusts and bad trusts. The majority of the committee has evidently observed this distinction. The old trusts are the good trusts. Those that are to be hereafter organized are the bad trusts. The old trusts may operate in the dark; the new trusts must operate in the light.

What will be the effect of this exemption? If your publicity idea amounts to anything, if it is of any real benefit to the people, if its effect shall be to force the trusts to comply with the law, then, in my opinion, it will be a long time before any new trusts are organized. Old charters will be bought in order that the law may be evaded, and it will be many years before any bad trusts will rise up to challenge the supremacy of the good trusts which you are permitting to live in the dark.

But what will your trusts care about your publicity requirement anyway? The good trusts, those that are to sit in darkness, care but little about the publicity of their operations. We know they water their stock. We know that nearly all of them are overcapitalized. Take as an illustration any one of the great trusts of the country. Many people already know—

Its name, date of organization, when and where organized, statutes under which it is organized, and all amendments thereof; if consolidated, the constituent companies, when and where organized, with the same information as to such constituent companies; if reorganized, name of original corporation or corporations, the law under which all reorganizations have taken place, with the same information as to all prior companies in the chain of reorganization; amount of authorized capital stock, shares into which it is divided, par value, whether common or preferred, and distinction between them; amount issued and outstanding; amount paid in; how much, if any, paid in cash, and how much, if any, paid in property; if any part in property, the kind, character, and location, its cash market value at the time it was received in payment; the name and address of each officer, manager, agent, and director; a true and correct copy of its articles of incorporation; a full, true, and correct copy of any and all rules, regulations, and by-laws adopted for the management of its business.

It would probably not be a very difficult task to procure substantially this information about any of the great corporations of the country engaged in interstate business. Some of the companies themselves do not hesitate to give much of it to the public. Some of the great newspapers of the country, loyal to the interest of the people, have already procured much of the information and have given it to the public. The people have a tolerably correct estimate of the trusts. Perhaps it would be well enough to require all of the trusts, the good and the bad, those who sit in darkness as well as those who are to sit in the light, to furnish such information in a sworn statement to a Government official. But the point I am making is this: The requirement of publicity does not accomplish what both political parties have promised to perform. Publicity does not strike at the root of the evil; it does not strike from the hands of the consumer the shackles which the trusts have put upon him. Everybody knows he is at their mercy. What does the trust care, so long as Congress leaves the consumer in its power? The publicity idea is not a very bright idea. It will not fool anybody. It is a makeshift. It is merely an effort to temporize with a great question, which will be regarded with contempt by the American people.

The anthracite coal strike began on May 14, 1902. It terminated on October 20, 1902, having lasted nearly six months. The miners demanded at first that wages should be increased 20 per cent. This demand was subsequently modified into a request that wages should be increased 10 per cent, and that a ton of coal should consist of 2,240 pounds, and that a man should be appointed by the miners to witness the weighing of the coal. In 1900, I believe, the miners had secured an advance of 10 per cent in their wages, but this slight increase did not cover the increased cost of living. From 1896 until 1902 the cost of living had increased nearly 50 per cent. Republican orators and the Republican press of the country during those years were constantly reminding the people of the unprecedented prosperity which the country was enjoying, and especially the laboring man. He was the especial pet of that party. The great Republican heart beat for him as for no other human being in the universe.

Ah! Mr. Chairman, they wanted his vote. But when the toiler, who spends most of his life in the bowels of the earth shut off from pure air and sunshine, demanded an increase of 10 per cent in his wages, and that 2,240 pounds should be received as a ton of coal, and that his representative should see that he was not cheated in the weighing of the coal, the trusts said "No, this demand is unreasonable. Republican prosperity has not yet reached this point. You must continue to dig, and dig, and dig at the

same wages you received in 1900, and you must continue to dig out a 3,000 ton of coal and my representative, not yours, shall say whether the product of your labor is correctly weighed." Seven great railroad corporations control nearly 70 per cent of the total anthracite coal produced.

Under Republican protection there has been an enormous increase in the value of stocks in these corporations. Republican statesmen have been constantly congratulating the country upon the enormous increase in railroad earnings; but when confronted with the proposition to increase the wages of the miners 10 per cent, these corporations flatly refuse. As a result, 147,000 miners quit work. What then? Cold weather came on and with it great suffering. Anxiety was written upon the faces of the poor in cities and towns all over the country. Even food products were burned in order that life might be sustained. Churches, schoolhouses, and other public buildings were thrown open in order that the poor might not freeze to death. Even in Washington it was difficult for the Government to procure enough coal to heat its buildings. In Boston and New York coal went to $25 per ton, in Philadelphia to $24 per ton, to $20 per ton in numbers of places. Did anybody suppose that publicity would relieve this situation? Does the Republican party propose to answer this cry of distress with a stereotyped statement showing the officers of these seven corporations, the amount of their cash stock, how much money they paid in and how much property conveyed, the name and address of each officer, and a true and correct copy of their articles of incorporation? Do you gentlemen upon the Republican side think you can satisfy the moral sentiment of this country by any such subterfuge?

In the midst of all this distress what did you do? Did you then dare to say that your publicity law, this iridescent idea of your President, was sufficient? Not at all. But in the midst of it all you adopted a Democratic idea. [Applause on the Democratic side.] You invoked a great Democratic principle when you were forced to repeal the duty of 67 cents per ton upon anthracite coal for one year. You got that suggestion from the Democratic platform of 1900, which I will read: "Tariff laws should be amended by putting the products of trusts upon the free list to prevent monopoly under the plea of protection." Your President had said that there was no duty upon anthracite coal. He found he was mistaken, and with great professions of patriotism, flavored with tears of pity for the distressed, you came in here and admitted that in the extreme exigency of the hour the best you could do was to put coal temporarily upon the free list. Before I conclude I shall return to this subject with some further observations.

Now, what is the second remedy which our Republican friends offer? It is this:

That any person, carrier, lessee, drawer, officer, receiver, agent, or representative of a carrier, subject to the act to regulate commerce, who or which shall offer, grant, give, solicit, accept, or receive any rebate, concession, facilities or services in respect to the transportation of any property in interstate or foreign commerce for any common carrier subject to such act whereby any such property shall, by any device whatever, be transported at a less rate than that named in the tariffs published and filed by such carrier, or shall receive any advantage by way of facilities or services, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be subject to a fine of not less than $1,000.

Mr. Chairman, this section is terrible in its impotence. Our Republican friends propose to answer the demand of the people of this country for relief by saying to common carriers, "You shall not transport articles of commerce from one State to another at a less rate than you publish." This is indeed a potent requirement. It is creditable to the conscience of the Republican party. This bill does not offer any plan by which these agencies of interstate commerce are prevented from putting up their rates as high as they see fit, but they become guilty of a crime when they haul articles of commerce at a less charge than they themselves have published. In other words, the Republican party says, "You must do what you say you are going to do; if you do not, you shall be subject to a fine of not less than $1,000." Another subterfuge, Mr. Chairman. No wonder the trusts are serene in their consciousness of perfect safety.

Mr. THAYER. Will the gentleman allow me a question?

The CHAIRMAN. Does the gentleman from North Carolina yield to the gentleman from Massachusetts?

Mr. POU. I do.

Mr. THAYER. You claim, as I understand, that the trusts will not be affected by this legislation if it becomes a law. If that be true, tell me why it is that the great defender and apologizer for trusts and combines at the other end of the Capitol has served notice on the country that this bill, impotent as it is, shall never be passed.

Mr. POU. To whom does the gentleman refer?

Mr. THAYER. To the only one that I know who stands out as the great defender of these trusts and combines, MARK HANNA, of Ohio.

Mr. POU. Well, Mr. Chairman, it can be easily understood how that gentleman would object to any legislation which might affect the trusts, because, as I understand it, he has solved the whole problem by saying that there are no trusts. Therefore from his standpoint you can not pass any legislation which will affect the trusts when there are no trusts to affect. Evidently that gentleman thinks that we are engaged in a vain business when we are legislating against something which does not exist.

We then come to the sixth section of this bill. What does that section provide? The pith of that section consists in this: You say that none of the corporations subject to the provisions of this act shall be permitted to sell to one of their customers cheaper than they do to another, if the purpose of such discrimination is to destroy competition. Two things must therefore be established: First, a discrimination in price; second, that such discrimination is for the purpose of destroying competition. Probably it would not be very difficult to establish the first of these propositions, but every lawyer knows how extremely difficult it would be to establish the second.

How are you going to prove the purpose of the corporation? I do not understand our Republican friends to contend that they have the power to say to these corporations "You shall sell as cheaply to one of your customers as you do to another." In order to accomplish the result contemplated by this section it must be shown that the trusts have an unlawful purpose in making the discrimination. I fear that the friends of this bill will find its provisions as utterly impotent as the provisions of the Sherman antitrust law have appeared to be. I honestly believe that the trusts will not be at all disturbed in the flagrant oppressions of which they are guilty, even if the bill is enacted into a law.

The majority report of the committee shows great solicitude for investors in trust stock, but is silent as to the welfare of the millions who are forced to consume the products of the trusts. The person who owns stock in a trust is a part of the trust. The majority of the committee seems anxious to protect him. They feel sure publicity will do this, for even Mr. John D. Rockefeller advises publicity. Actually the majority of the committee have incorporated in their report the suggestion of Mr. John D. Rockefeller, "who," they say, "is understood to be at the head of one of the largest industrial corporations in existence." They say in this report that "even Mr. Rockefeller in effect advised publicity in his statement before the Industrial Commission." Then they quote the evidence of Mr. Dill, "who," they say, "has had very large experience in the organization of corporations, is the author of several works upon corporations and *was the attorney organizing the United States Steel Company.*" (Italics are mine.)

These gentlemen approve publicity. Therefore publicity is efficient. It will correct the evil. This must be so, is the conclusion of the Republican majority of the committee, for Mr. Rockefeller, the head of one great trust, and Mr. Dill, attorney for another, advise it. Publicity is the means whereby the trusts shall be forced to do right, for the trusts themselves say so. This is the logic of the Republican majority of this committee.

Mr. Chairman, the great evil which menaces the happiness of millions in this Republic is not overcapitalization in the formation of trusts, it is not in watered stock, it is not in lack of publicity, it is not in discrimination among customers. Bad as all this is, there is a still worse evil, in the presence of which all this pales into insignificance. It consists in the power of the trusts to control the essentials of life and to fix the prices thereof. The great evil which will involve this country sooner or later in revolution, unless corrected, consists in the power of a single corporation or individual to control the food which human beings must have, the clothing they must wear, the fuel they must burn, the implements they must use, and the prices people must pay for these essentials of life. More than this; it consists in the power of a single corporation to control the market of the great agricultural products of our people, and its ability to fix the price thereof. When this is permitted men are no longer free.

We might as well face the issue squarely now. Sooner or later we will be forced to face it.

Now, by section 6 of this bill you say you have the power to prohibit the "use, either directly or indirectly, of any of the facilities or instrumentalities of interstate commerce" to corporations which shall attempt to monopolize or control production by allowing discrimination in prices, etc., in order to destroy competition. The able lawyers who drew the bill, therefore, admit that, if the public welfare demands it, Congress has the power to *prohibit all interstate commerce* to those offending against the welfare of the people. The bill is no doubt the product of much constitutional research. The air has been full of rumors, which have not been very strenuously denied, concerning the action of the Chief Executive in requesting one member of the committee to carefully investigate the trust evil. The assistance of the Attorney-General of the United States has been invoked. So we have the right to assume that the provisions of section 6 do not exceed the constitutional power of Congress.

Now, then, if this be true, you have the power to prohibit any

corporation or individual, which or who shall acquire a monopoly of any of the essentials of life, from engaging in interstate commerce. Mr. Chairman, if our Republican friends will add a section including this provision and conferring this power upon some designated agency, it will stimulate some hope in the breasts of the people. It will be some evidence of an earnestness of purpose, and it will tend to contradict the impression that the Republican party is really the friend of the trusts and is simply trifling with this great question.

Mr. Chairman, why not resort to something that is practical? This is a great question, which should be approached with absolute candor and with the utmost sincerity of purpose. Its importance is so great that every statesman in the land should place its consideration far above any party advantage. I shall vote for the pending measure, but I have little hope that any material relief will be accomplished by it. Both political parties have promised the people, in the most emphatic terms, that they would do all in their power to strike from their hands the shackles of monopoly.

We all know that the wage-earner is at the mercy of the trusts. We know that the price of some of the great agricultural products of the country is absolutely fixed by the trusts. We know that, practically speaking, the trust buys at its own price and sells at its own price. No wonder that among the favored few millions are almost as common to-day as thousands were in the early days of the Republic. More than this. We know the trusts are charging the American people for their goods more than they charge foreigners for identically the same goods. We know that they are punishing us for making them rich. And yet we are protecting the trusts from all outside competition. Our folly has been so great that we have put ourselves in their power. Thank God the party to which I belong has done what it could to prevent this, but the Republican party has shut off competition from the outside world, and has said to the trusts and monopolies, "Here are 79,000,000 American people. They are your legitimate prey. Do with them as you see fit. They shall not buy goods from foreigners; they must buy your goods. Put your own price upon them. The prey is yours; do with it as you see fit." What is the logical answer to all this, Mr. Chairman? What does the conscience, the sense of right which God has put in the breast of every man, what answer does it give? It is this: "Remove the protection allowed by law to these great criminals; let them have the world to compete with; let the American buy wherever he can get his goods the cheapest."

If in the course of time the trusts shall monopolize the commerce of the world, humanity may be forced to deal with them in an entirely different manner. Why not remove the protection they enjoy by reducing the tariff upon the articles which they manufacture to that point which will force them to sell as cheaply to the American as to the foreigner? What has the American done that he must thus be punished? What has the foreigner done that he shall be permitted to enjoy this discrimination in his favor? Are not Americans as good as foreigners? Now, Mr. Chairman, if the Republican party found its only remedy in the extreme situation which surrounded us in the coal strike by suspending the duty upon anthracite coal, why will not similar relief be afforded in case the duty is removed or reduced upon other trust articles?

I have a letter from the Secretary of the Treasury in which he informs me that cotton-mill and spinning machinery is dutiable at 45 per cent ad valorem. I also have a letter from one of the leading cotton-mill men of the country, under date of September 13, 1902, from which I will quote the following:

A carding machine can be bought in England from $375 to $400. The same machine costs in the United States from $600 to $750. Mule spindles cost in England from $1 to $1.25 per spindle. They cost in this country from $1.75 to $2.25 per spindle. Fly frames are in the same ratio. Ring spindles cost about $2 in England and about $3 in this country.

I merely mention this as one instance of discrimination.

My State, Mr. Chairman, is entering upon a great era of manufacturing. The day is not far distant when we will manufacture as much cotton as our State produces. Why permit this discrimination against us? Why allow an injustice to be done us? Why not allow our cotton-mill men to buy their machinery as cheaply as Englishmen? What necessity is there for continuing this 45 per cent tariff which the Secretary of the Treasury says exists? If you pass an antitrust bill which is worth anything nobody knows what the Supreme Court will do with it. That court may discover grave constitutional objections. But in the midst of all this dilemma we know that some relief can be given the consumer by reducing the duty upon trust-protected articles. Let us try this remedy. Republican State conventions have declared for it; common sense teaches it. You admitted it yourselves when you came in here and, in your desperation to do something, suspended the duty on anthracite coal.

The people are waiting, Mr. Chairman. The great rank and file are not blind partisans. They do not worship forever at the shrine of any political party. They love the flag; they love the country more than they do any political party on earth. [Applause.]

And, after all, political parties are but agencies. They are not masters, but servants. They have no right to dominate the conscience of any man. In perfect sincerity of purpose let us, the servants of the people, in dealing with this great question, attempt to do something practical for our country and for humanity. [Loud applause on the Democratic side.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and the Speaker having resumed the chair, a message from the President of the United States, by Mr. BARNES, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On January 29, 1903:

H. R. 10522. An act to provide for laying a single electric street railway track across the Aqueduct Bridge, in the District of Columbia, and for other purposes.

On January 30, 1903:

H. R. 6649. An act for the relief of Julius A. Kaiser;

H. R. 15510. An act to promote the efficiency of the Philippine constabulary, to establish the rank and pay of its commanding officers, and for other purposes;

H. R. 15506. An act to amend section 14 of an act entitled "An act to divide the State of Texas into four judicial districts;"

H. R. 14839. An act providing that the circuit court of appeals of the fifth judicial circuit of the United States shall hold at least one term of said court annually in the city of Montgomery, in the State of Alabama, on the first Monday in September in each year;

H. R. 15066. An act to incorporate the Association of Military Surgeons of the United States;

H. R. 15708. An act to extend the time for the completion of the incline railway on West Mountain, Hot Springs Reservation; and

H. J. Res. 16. Joint resolution to carry into effect two resolutions of the Continental Congress directing monuments to be erected to the memory of Generals Francis Nash and William Lee Davidson, of North Carolina.

On January 31, 1903:

H. R. 7664. An act providing for the compulsory attendance of witnesses before registers and receivers of the land office.

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. HILL. Mr. Chairman, I desire to occupy the time of the House but a very few minutes. When the gentleman from Tennessee [Mr. PATTERSON] was speaking the other day on the question of trusts, I interrupted him with a question. As a general rule I do not believe in that sort of procedure; for I think that a set speech of that kind is in general made by a member of the House for distribution among his constituents, and it hardly seems to be fair to inject a question for the purpose of embarrassing him. I therefore, at the close of the session, went to the gentleman and said that he had my full consent to strike out from the RECORD the portion which I had interjected. He did so, I assume. But I think it is due to myself that I should explain the statement which I made in connection with the question which I put to him.

The principal feature of his remarks to which I objected was the statement that trust-made products were increased in price by levying a duty against articles of like character imported into this country under the protective-tariff system. Having made a little investigation of that question during the last campaign, and having the facts in my possession, I asked him the question with the expectation that he would reply. He objected, however, to my giving my authority for my statement. During the last campaign I received the book which I hold in my hand, which is the Democratic campaign text-book. I examined it with much pleasure, as I do everything of that kind, especially any emanation from the brain of my friend and colleague in the House, the gentleman from Georgia [Mr. GRIGGS], chairman of the Democratic Congressional committee. I found in that book a list of 185 articles the prices of which were given from 1896 down to 1901, all of them claiming to be products of trusts. It occurred to me in the examination of that list that possibly our genial friend from Georgia had "builded better than he knew."

So I went to work, and I took from this list which I have here all the articles which were named as being on the free list, and I was surprised to find, in view of the way in which the campaign turned out, that our friend at that time had put in this campaign text-book anthracite coal as being on the free list; so that we had good authority during that campaign for saying that anthracite coal was on the free list, for we found it—and I have it here in the Democratic campaign text-book—on the free list.

I took all the articles that I found, according to this statement which I have here, and which claims to be authoritative. I give this list as I find it on Democratic authority, both as to prices

and duties and as to whether the articles are controlled by trusts. And in what I am saying I want it distinctly understood that I am relying solely on Democratic official authority.

Now, the articles that were on the free list in this list of trust-made products were anthracite coal, stove coal, broken coal, copper, flax, jute, petroleum (crude and refined), petroleum (150° test), rubber, sisal, and binder twine; and I took the prices from 1896 as given there and brought down to 1901, and I found that the average advance during those five years upon all of the free-list articles in the Democratic campaign text-book was 26 per cent, not including coal, for it did not seem to me it would be fair under existing conditions to charge the enormously increased price of coal during the strike to the problem which I wanted to solve, so I left that out; with that in, the advance would have been 74 per cent average on the entire free-list articles cited in the Democratic campaign text-book.

Now, then, I wanted to make a comparison with protected articles the products of trusts, and so I took twice the number of articles entering into daily consumption in the homes and in the construction of the homes of our American people, and the articles so taken were alcohol, brick, Boston crackers, cotton flannels, Rosedale cement, canned fish, ginghams, glassware, wire nails, cut nails, fresh beef, salt beef, salt pork, smoked hams. And I want to say right here that it seems to me that it was equally unfair under existing conditions in the provision market to put beef in here; but, desiring to give to our Democratic friends all the advantage possible, I left out coal on the free list and put in beef on the protected list; so that generosity (if it might be so characterized) was shown to our Democratic friends in making this comparison. Continuing the list, I find pig iron, rice, sugar, granulated sugar, Ashton salt, steel rails, and tin plate. I think this is a fair list of articles entering into consumption among the American people; and I made that comparison with the free-list articles as given in the Democratic campaign text-book.

The result was that I found that the products of trusts—the protected products of trusts—compared with the products of factories in this country on the free list showed an average advance of 15½ per cent as against 26 per cent of all the articles placed on the free list in the Democratic campaign text-book. So that it seems to me that a fair and reasonable conclusion that one might reach on Democratic authority, if that authority is good—and I used no other—was that the tariff had cut no figure in increasing the prices of these articles as shown by the Democratic campaign text-book. Now, there is one further conclusion I want to draw from this comparison, and I am citing this now for the information of our Democratic friends on the other side, who I presume have not perhaps as carefully as some others studied their own campaign text-book.

The gentleman from Tennessee [Mr. PATTERSON] the other day cited the great suffering which was inflicted upon the farmers of this country by the tariff upon the products of the United States Steel Company, citing especially wire nails and cut nails. Let me quote from the Democratic campaign text-book. Wire nails in 1896, before the enactment of the Dingley tariff law, according to Democratic authority, were $3.15 a keg, and in 1901, after five years of the Dingley tariff bill and after the organization and full operation of the United States Steel Company, they were $2.10, and have since gone down to $1.85.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, will the gentleman permit a question?

Mr. HILL. Certainly.

Mr. WILLIAM W. KITCHIN. Will the gentleman kindly state what the price of barbed wire was in 1896 and 1897, and what it was in 1901?

Mr. HILL. I think very likely there may have been an advance. According to Democratic authority it was 2½ cents a pound in 1896, and $3.10 a hundred in 1902.

Mr. WILLIAM W. KITCHIN. Quite an advance.

Mr. HILL. But against the proposition of barbed wire——

Mr. WILLIAM W. KITCHIN. I want to ask the gentleman one more question. I will ask the gentleman if there are not 10 pounds of barbed wire used to every pound of cut nails?

Mr. HILL. I admit that.

Mr. WILLIAM W. KITCHIN. Will the gentleman permit me to ask him another question?

Mr. HILL. Certainly.

Mr. WILLIAM W. KITCHIN. Has the gentleman controverted the facts stated by the gentleman from Tennessee [Mr. PATTERSON] that these great trusts sell their goods abroad more cheaply than they do to Americans?

Mr. HILL. That question was not under consideration at that time.

Mr. WILLIAM W. KITCHIN. But I ask the gentleman now.

Mr. HILL. I am not discussing that question.

Mr. WILLIAM W. KITCHIN. I ask the gentleman if he will not admit that they sell abroad more cheaply than they do here?

Mr. HILL. I am not intending to discuss that question. [Applause and laughter on the Democratic side.]

Mr. WILLIAM W. KITCHIN. It is a fair question, I think, in this discussion.

Mr. HILL. I will answer the gentleman as soon as I reply to the first question which he asked.

Mr. WILLIAM W. KITCHIN. I will ask the gentleman if——

Mr. HILL. The gentleman asked me if barbed wire is not a greater burden upon the farmer than cut nails. I say yes, Mr. Chairman. I say that it is. I am willing to admit that there is an advance in the price of barbed wire; but I say to the gentleman that that is on the protected list and the advantage is on his side; but binder twine is a greater burden to the farmer than barbed wire is.

Mr. WILLIAM W. KITCHIN. Let me ask the gentleman another question.

Mr. HILL. Wait until I get through. Binder twine is a greater burden to the farmer than barbed wire, and I want to refer the gentleman to his own campaign text-book, that binder twine is on the free list.

Mr. WILLIAM W. KITCHIN. But before we leave the products of the steel trust——

Mr. HILL. Wait until I get through. I waited for the gentleman. Binder twine, according to the Democratic authority, in 1896, on the free list, was 6¾ cents a pound, and in 1902, still on the free list, was 14¼ cents a pound.

Mr. WILLIAM W. KITCHIN. Now, I want to ask the gentleman another question about the products of the steel corporation.

The CHAIRMAN. Does the gentleman yield?

Mr. HILL. I do not yield until I have finished the answer to the gentleman's first question.

Mr. WILLIAM W. KITCHIN. He did finish that.

The CHAIRMAN. The gentleman declines to yield.

Mr. HILL. Now, the gentleman first asked me a fair question. I am perfectly willing to admit that the comparison which I have made is on Democratic authority, but when I make that statement I want to say distinctly that in my judgment no logical conclusion can be drawn from statements made either on that side of the House or on this as to the result of the workings of the tariff on prices. Now, the gentleman has asked me a question fairly, whether I do not know that some articles are sold abroad for less than they are sold at home. Yes, I do know it; but I know that there are commercial and business reasons for it, and, on the other hand, I know that there are many articles sold abroad at higher prices than they are sold at home. But there are commercial and business reasons for that, just the same as there are for the other thing which the gentleman has referred to in his question.

Mr. WILLIAM W. KITCHIN. Now, will you permit me to ask you another question?

The CHAIRMAN. The gentleman must address the Chair.

Mr. WILLIAM W. KITCHIN. Mr. Chairman, will the gentleman from Connecticut permit an interruption?

The CHAIRMAN. Does the gentleman from Connecticut yield?

Mr. HILL. Yes.

Mr. WILLIAM W. KITCHEN. I ask the gentleman from Connecticut if he can name half a dozen other articles, except nails, controlled by the steel corporation that have not greatly risen in price from 1896 until now, since the organization of the steel corporation and the trusts that preceded it?

Mr. HILL. Has the gentleman finished his question?

Mr. WILLIAM W. KITCHIN. I have finished that question.

Mr. HILL. I will reply, and state that I have shown that every article on the free list, given by Democratic authority——

Mr. WILLIAM W. KITCHIN. I said controlled by the steel corporation.

Mr. HILL. Without exception, from beginning to end, averaged an advance of 26 per cent in the past five years, while the articles which I have stated, going into daily consumption in the United States during the same period, protected and the products of trusts, average an advance of only 15½ per cent. Now the gentleman can make his own explanation if he sees fit.

Mr. WILLIAM W. KITCHIN. Evidently the gentleman did not understand my question. I did not ask a question about the relative prices——

Mr. HILL. I think the question has been fairly answered.

Mr. WILLIAM W. KITCHIN. I think the gentleman did not understand the question——

The CHAIRMAN. The gentleman from North Carolina is not in order.

Mr. WILLIAM W. KITCHIN. I ask the gentleman from Connecticut to yield to me.

The CHAIRMAN. The gentleman from North Carolina is not in order.

Mr. WILLIAMS of Mississippi. Will the gentleman permit an interruption?

The CHAIRMAN. Does the gentleman from Connecticut yield to the gentleman from Mississippi?

Mr. HILL. Yes; certainly.

Mr. WILLIAMS of Mississippi. If the gentleman's argument means anything at all, it means that, in his opinion, putting things upon the protected list has a tendency to lower their price?

Mr. HILL. It does not mean any such thing.

Mr. WILLIAMS of Mississippi. Now, I want to ask you this question in candor. I said if the argument meant anything. The gentleman has just said it meant nothing. Now, does the gentleman make the statement, or will he stand for the statement, that putting articles upon the protected list does not tend to raise their prices to the consumer?

Mr. HILL. I will not make the statement, Mr. Chairman, either one way or the other. I distinctly stated in the beginning, in response to the declaration of our friend from Tennessee [Mr. PATTERSON] the other day, as to the suffering which was inflicted upon our farmers by putting a duty upon the trust-manufactured product of wire nails, that it was all imaginary, and that Democratic authority itself showed that during the past five years there had been a reduction of $1.30 a keg on every keg of wire nails, notwithstanding the Dingley tariff of 50 cents per hundred had been in operation all the time.

Mr. WILLIAMS of Mississippi. Of course, I take it——

Mr. HILL. Now, I will admit to the gentleman from Mississippi, and he knows I will admit, that in many cases the putting on of a tariff increases the price. In many cases it has no effect, and, in my judgment, this was one of the cases. Any general question of that kind can not be answered yes or no. I will state furthermore, in reply to the gentleman who addressed an inquiry to me a moment ago [Mr. WILLIAM W. KITCHIN], that the same general inquiry in regard to goods being sold abroad lower than they are here is entirely fallacious, that there can be no general argument advanced on that proposition. During the last campaign I was speaking in my own town, and when I finished and sat down—I had been discussing that very question—the chairman of the meeting, sitting behind me, said to me, "Mr. Hill, I have to-day received five orders from abroad, one of them $40,000 in amount." I said to him, "Are you selling those goods at a less price or at a higher price than you sell them at home?" He said, "We are getting a higher price."

Mr. WILLIAMS of Mississippi. Now, will the gentleman let me pursue the inquiry?

Mr. HILL. I simply give that one single fact against the general theory that is advanced in this Democratic campaign textbook.

Mr. WILLIAMS of Mississippi. Will the gentleman allow me to pursue the inquiry with another question?

Mr. HILL. Certainly.

Mr. WILLIAMS of Mississippi. From the Republican standpoint is not the object of the passage of a protective tariff bill to raise the price of the goods protected, in order to prevent competition from abroad——

Mr. HILL. I will answer the question of the gentleman.

Mr. WILLIAMS of Mississippi. I have not finished the question—so that from your standpoint American labor may possibly get a higher wage? And if it be true that the tendency of a protective tariff is to give American labor higher wages, must it not necessarily do it by raising the price of the article produced?

Mr. HILL. In answer to the gentleman, I will say that is a theoretical question which would require much more time to consider and answer than I design to take now. I simply introduced these figures based on Democratic authority, and now say to my Democratic friends that in the future in studying their own campaign text-books they may study it more wisely than it seems that they did in getting these figures together.

Mr. WILLIAMS of Mississippi. Only one more question.

Mr. MADDOX. Mr. Chairman, I desire to ask the gentleman a question.

Mr. WILLIAMS of Mississippi. Only one more question.

The CHAIRMAN. Does the gentleman from Connecticut yield to the gentleman from Georgia.

Mr. HILL. Certainly.

Mr. MADDOX. I want to ask you this question. You have stated how prices were advanced on articles under protection?

Mr. HILL. Yes.

Mr. MADDOX. Then how can you stand here and claim that prosperity is due to a protective tariff?

Mr. HILL. I have not made any such claim.

Mr. MADDOX. How can your party do it?

Mr. HILL. I am not responsible for anybody else. I have simply gone and isolated a few figures from our Democratic friends' campaign book, in order that possibly I may induce them very quietly at their homes, after Congress adjourns, to study their own campaign text-book which they used during the last campaign. That is the only object I have in taking the floor, and that is all I intended to do, and all I want to do so far as that is concerned. I have got one other subject on which I want to talk——

Mr. THAYER. I would like to ask the gentleman a question, Mr. Chairman.

The CHAIRMAN. Does the gentleman yield to the gentleman from Massachusetts?

Mr. HILL. I do.

Mr. THAYER. The gentleman has made a misleading statement in standing here and saying that in 1894 and 1896 nails were worth $3.15 while in 1902 they were $2.20. I live in a city where we manufacture nails, and in 1894 and 1896 cut nails were $1.40, and in 1902 $2.20.

Mr. HILL. Mr. Chairman, the gentleman states I have made a misleading statement. I cited my authority before I begun—the Democratic campaign text-book. [Loud laughter on the Republican side.] I will refer the gentleman to page 373:

Nails, wire, eight penny, fence, put up in 100 pounds per keg, f. o. b. mills and Pittsburg, duty half a cent a pound, prices controlled by the United States Steel Company, July, 1896, $3.15; July, 1902, $2.10.

And if the statement is misleading, I refer the gentleman to JAMES M. GRIGGS, chairman of the Democratic Congressional national campaign committee.

Mr. THAYER. The gentleman had no right, standing on the floor here, to make false representations, when they come from a source he believed not to be reliable.

The CHAIRMAN. The gentleman from Massachusetts is not in order.

Mr. HILL. I am not responsible for it.

Mr. THAYER. You are responsible for your sayings here.

The CHAIRMAN. The gentleman from Massachusetts is not in order.

Mr. HILL. Mr. Chairman, I am not responsible for the inability of the gentleman from Massachusetts to comprehend the condition of things in general and the conditions as set forth by the Democratic campaign book. [Laughter on the Republican side.] He will have to reconcile them for himself. There is, however, another subject I desire to say a few words concerning. I will make no comment at this time. I shall transgress upon the patience of the House at some future time to refer to it. That is the question of a common ratio of the silver of the world. In my time I ask the Clerk to read an editorial written by, I think, one of the ablest economists of the country, certainly one whom every person will admit is possessed of full knowledge and ability as to the money question—Horace White, of New York.

The Clerk read as follows:

THE NEW SILVER MOVEMENT.

President Roosevelt has asked Congress to give him power to lend the support of the United States to "such measures as will tend to restore and maintain a fixed relationship between the moneys of the gold-standard countries and the silver-using countries." This authority is asked without any suggestion, and apparently without knowledge of the fact, that a large part of our political and diplomatic activity during the past quarter of a century had been directed to that very problem—the problem, namely, how to cause two things to be of equal value when they are of unequal value. This was the underlying question in three international monetary conferences, and also in the Wolcott Commission of 1897.

The resemblance of the latter to the plan now recommended by the President, if we may judge from the accompanying documents, is rather striking. Mr. Wolcott and his colleagues went to England, not expecting to bring about any change in the monetary standard of the United Kingdom, but to induce her to lend India to some experiment for supporting the price of silver. The Salisbury ministry, being little skilled in the subject, and having very imperfect knowledge of the state of public opinion either in India or England, assented to the project, stipulating, however, that the single gold standard should be maintained in the United Kingdom, and stipulating also that both the United States and France should open their mints to the free coinage of silver at the ratio of 15½ to 1. On those conditions Lord Salisbury, in the innocence of his heart and the paucity of his knowledge, agreed to recommend that the government of India should reopen its mints to the free coinage of silver, and that the Bank of England should keep silver in its vaults to the extent of one-fifth of its metallic reserve. When these facts were fully made known there was such an overwhelming protest of public opinion in both England and India against it that Lord Salisbury was obliged to say that he could not go on with the negotiation. It was a mortifying failure.

Yet the Wolcott commission had a much more promising start than any which could be set on foot now to accomplish the like task. That task, as we have said, is to make two unequal things equal to each other. It is so declared in the papers submitted with the President's message. The joint communication of the ministers of Mexico and China presents their wish in these words:

"It is desired that the governments of gold-standard countries having dependencies where silver is used and the governments of silver countries shall cooperate in formulating some plan for establishing a definite relationship between their gold and silver moneys, and shall take proper measures to maintain such relationship."

"Definite relationship between their gold and silver moneys" means holding the values of the two kinds of money at a parity. This may be done by one country for itself alone. Indeed, it is done by the United States at this moment. It is done by limiting the amount of silver money to the needs of retail trade, and compelling its use in such trade by abolishing other money of small denominations. But how this is to be done internationally, that is, by concert of action between a number of countries, we defy anybody to point out. The attempt to accomplish this end in the four or five countries of the Latin Union was a total failure. As soon as a divergence took place between the legal ratio and the market ratio of gold and silver, the cry of sauve qui peut was raised, and each of the countries concerned made haste to stop the coinage of silver. France limited her coinage secretly in 1873,

openly in 1874, and stopped it altogether in 1876. The other countries were glad to escape in the same way from the agreement they had made to establish "a definite relationship between their gold and silver moneys."

Yet there was a much better opportunity to carry out this scheme in the case of the Latin Union than in the one now mooted in Washington. The Latin Union countries had a common currency at the start. They began with a legal ratio that was coincident with the market ratio. They were adjoining countries, territorially, and they were, in point of intelligence, the equals of any nations in the world. They were not the colonies of any other countries, and hence were not obliged to take their decisions from distant masters, whose action they could not anticipate. How different are the conditions of the peoples which it is now sought to link together in a monetary union. In the first place, the legal ratio which they wish to establish is that of 32 to 1, whereas the market ratio is far different and fluctuating violently. The countries concerned are certainly not of a high range of intelligence, and only one of them can be properly called self-governing. Mexico is self-governing, but China can hardly be called such. The Philippines are governed at Washington, the Straits Settlements at London, and Tonquin at Paris. A monetary union to be made of such a hotch-potch is inconceivable. We have had one foretaste of its difficulties in the disagreement at Washington on the Philippine currency bill of last session and again in the present session. However, if the wise men who have decided to make another silver experiment—a brand new thing never tried before, as they seem to imagine—let them go ahead. It will amount to nothing except the salaries and expenses of the commissioners, which, of course, we are able to pay.

Mr. HILL. Mr. Chairman, I do not desire at this time to make any comment on the article or subject, but in order to save members of the House the trouble of preparing and looking up figures which probably they would desire to examine in the future when this question comes up, as it undoubtedly will this year, I will insert a statement of the world's production of silver since 1896, by years, and also the price of silver, calling attention to the fact that in 1896 the world's production was 157,000,000 ounces, and it has gone up steadily to 1901, last year, the latest statistics available, to 174,000,000, nearly 175,000,000 ounces; that during the same years the price of silver started in 1896 at 67½ cents per ounce, and has gone down until last year it was 52.7 cents an ounce. After asking that these figures be inserted in the RECORD, I leave the subject and return the remainder of my time to the chairman of the committee.

The figures are as follows:

World's production of silver.

	Ounces.
1896	157,061,370
1897	160,421,082
1898	169,055,253
1899	168,337,453
1900	173,591,364
1901	174,998,573

Price per ounce of silver.

1896	$0.67565
1897	.60438
1898	.59010
1899	.60154
1900	.62007
1901	.59595
1902	.52700

SPEAKER PRO TEMPORE.

The committee informally rose, and the Speaker resumed the chair.

The SPEAKER. The Chair desires to announce the appointment of the gentleman from Ohio [Mr. GROSVENOR] to act as Speaker during the ceremonies this afternoon, commencing at 3 o'clock.

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. GAINES of Tennessee. Mr. Chairman, I desire to address myself to a bill which I introduced a few days ago, which should be of interest to this House and the entire country.

It is a bill which provides that our postal service shall not be used by what is known as "wild-cat insurance companies."

A "wild-cat insurance company" is described in this bill as being an insurance company, whether life, fire, or marine, which fails to comply with all the laws of the State or Territory of its headquarters or its domicile.

The bill should be amended so as to force them to comply with the laws of the State or Territory where the risk is located when insured.

To be brief, and show you that such concerns are trying to do a so-called, but in fact a fraudulent, insurance business, I give you now, as I have stated heretofore, an example of how they operate. A B will go to New Jersey and get a charter. He will then go to Chicago and rent "desk room" and get him a directory of Nashville or New Orleans, Cincinnati, and all the towns in which he desires to operate, taking care to not operate—insure—in Illinois or New Jersey. He will sit down to his desk and with the most enticing invitation to the people, whose names he will select from the directory, write letters to them promising to give them cheap insurance. The face of the letter shows this is true, the face-value rate, perhaps, being cheaper than it is at the home of the subsequent victim. He will then write in some gilt-edged promises, "quick settlement," etc., in case of fire or death.

So that the laboring people of the country (the people who have no time to read the newspapers or to read the magazines and keep up with the sharpshooters of finance and insurance) will naturally be induced into insuring with this wild-cat concern. The humble and the ignorant classes are thus reached and victimized as a rule, a class of people whom we should be most watchful to protect and aid.

A B does not comply with the operating laws of New Jersey. He does not comply with the operating laws in Illinois, where he has headquarters—a desk, pen, ink, paper, and city directories as their stock or money in trade. He does not comply with the operating laws of Tennessee, or Kentucky, or Missouri, or of any other State where he insures. He simply gets the charter in New Jersey, goes to Chicago and proceeds, and uses the United States mail as his sale agent to practice his wild-cat scheme on the innocent and unsuspecting.

He dare not operate in New Jersey, because he does not comply with the operating laws there. When the authorities in New Jersey go to him and say, "Are you going to operate here?" he will say, "No, I am going to Chicago; I'll not hurt anyone in New Jersey." And he goes to Chicago. The State officers may come to him in Chicago, and to them he says: "I am not operating in Illinois; I am not insuring anyone here; I am insuring down in Tennessee and Ohio and Kentucky" or wherever he is operating, "and if I hurt anybody I shall hurt the people down in those States." So he pays in no money, creates no trust fund where he is chartered—New Jersey—and he does not comply with any operating law there.

He does exactly the same thing in Illinois; so when a man he insures in Tennessee, Kentucky, or Ohio dies and his widow and children want their insurance money, want the benefit of the hard-earned premiums they have paid, or when the little cabin burns down and they want to be reimbursed, there is nobody to sue in Tennessee, Kentucky, or Ohio, nobody in New Jersey, and if you go to Chicago you find a party to sue—if you find him at all; he proves to be good for nothing. He is all wind and water; no money "paid in;" no assets; no property—a bankrupt to start with in money and morals.

He started out to defraud if not to rob and steal. Certainly he gets the premiums by false pretenses by using the mails, which use and abuse of the mails ought to be prohibited, but the Postmaster-General does not think the law covers such a case.

He is, however, in sympathy with this kind of a bill.

So you see there is no agent anywhere. This one person or concern is the "whole thing," with the United States mail as his only agent by and through which this insurance is procured.

The State officer does not know anything about the transaction until a death or loss occurs, and then the poor fatherless or homeless victim goes to the fire commissioner of the State, who is powerless to act, to ventilate his trouble.

There is no bond filed or local agent, as the laws require, in all the States as a rule. No one to sue. No property if suit is entered.

The States can not reach such a case for the reason that the mail service is exclusively under the control of the Federal Government and not the States.

The insurance commissioner of the State can not interfere with the mails, can not stop the conveying of the mails, nor arrest a party who, if he knows, is delivering a letter from this robber concern to the unfortunate party who is insured, or whose house has been burned down, or husband has died.

Now, this bill provides distinctly that the insurer must comply with the law where his headquarters are or domicile is, and it should be amended, I suggest, so as to require the party to comply with the law of the State or Territory where the property is located or individual resides when insured. This does not interfere with any State law. There is now no State power that can reach the mails, and for this reason the insurance commissioners or actuaries of each of the several States of this Union met in Columbus, Ohio—I think in September last—and passed a resolution which I desire to have read, to show that even these distinguished gentlemen, who are vigorous, earnest, and honest, declare in so many words that because these concerns use the United States mails and have no agents within the State they can not be reached, and they suggest that this is a trouble and evil that Congress should take in hand and cure at once. I ask the Clerk to read the memorial of this convention to Congress. This resolution is forwarded to me by Mr. Folk, insurance commissioner of Tennessee, who is the author of it. There is a memorial to Congress also. Read both.

The Clerk read as follows:

The legislation proposed by this bill is in accordance with the unanimous recommendation of the National Convention of Insurance Commissioners, held at Columbus, Ohio, in September, 1902.

The following is the resolution adopted by this convention:

"Whereas it is known to the insurance departments of the various States that certain concerns styling themselves 'insurance companies,' and purporting to write fire insurance, are operating throughout the country, not only without regard to the insurance laws of the various States in which they seek patronage, but without authority of the insurance department of the States wherein their headquarters are located; and

"Whereas it is the plan of procedure of these so-called insurance companies, in order to evade State laws, to refrain from seeking any business in the State of their headquarters, and in order to evade the laws of other

States to refrain from sending agents into such other States, but to use the mails of the United States to further their unlawful business, thereby avoiding liability to arrest and prosecution; and

"Whereas concerns operating in this manner as a rule are totally irresponsible, their policies being of no value; and

"Whereas the offense in the various States of operating unauthorized insurance is only a misdemeanor and therefore not extraditable, rendering the State where the unauthorized insurance is written powerless to avenge the law where the operation has been transacted through the mails: Therefore, be it

"*Resolved by the convention of insurance commissioners*, That the committee on unauthorized insurance is hereby directed to draft a memorial to be presented on behalf of this convention to the Postmaster-General of the United States, acquainting him with the conditions and asking him to take cognizance of these matters whereby the United States mails are being used for base and fraudulent purposes and as a means of evading the criminal statutes of the various States.

"*Be it further resolved*, That the Postmaster-General be requested to deny the use of the mails to these pseudo insurance concerns where they seek to operate through the mails in the States wherein they have not procured license to do business from the proper authorities; or, if the Postmaster-General will not go so far, that he be requested at least to prohibit the mails to any pretending insurance company which is not authorized to do business by the proper insurance authorities of the State in which it has its domicile."

MEMORIAL TO CONGRESS.

The following is the memorial drafted by the convention, petitioning Congress to take cognizance of the situation and grant the desired relief:

To the Congress of the United States, Washington, D. C., greeting:

The national convention of insurance commissioners, now in session at Columbus, Ohio, has the honor to address you for the purpose of respectfully and earnestly directing your attention to a serious condition of affairs which the members of this convention in their various jurisdictions are powerless to remedy, and from which substantial relief can only be obtained through enactment of amendments to the present postal laws.

We respectfully represent that to the best of our knowledge, information, and belief the United States mails are being used for fraudulent and nefarious purposes by certain concerns styling themselves "insurance companies," and seeking by correspondence and advertising matter sent through the mails to obtain money for so-called fire-insurance policies, these policies being in most instances entirely worthless. None of the concerns in question is authorized to transact business by the authority of any State in the Union. They evade the laws of the States of their domicile by writing no business therein, and evade liability to arrest and prosecution in other States by operating entirely through the medium of the mails.

We respectfully urge that Congress will take cognizance of these matters to the end that proper laws may be passed to meet the serious situation.

Respectfully,

NATIONAL INSURANCE COMMISSIONERS' CONVENTION.

Mr. THOMAS of North Carolina. Will the gentleman from Tennessee allow me to call his attention and that of the Committee of the Whole to a letter which I have received from the commissioner of insurance of my State, North Carolina, in which he calls attention to the bill recommended at the recent convention of insurance commissioners of all the States, and asks for that measure the support of myself and other members of our delegation? With the permission of the gentleman from Tennessee I ask that this letter be inserted in the RECORD.

Mr. GAINES of Tennessee. I gladly yield to the gentleman's request.

The letter referred to by Mr. THOMAS of North Carolina is as follows:

INSURANCE DEPARTMENT, STATE OF NORTH CAROLINA,
Raleigh, January 26, 1903.

Hon. CHAS. R. THOMAS, M. C.,
Washington, D. C.

DEAR SIR: I trust you will pardon my trespassing upon your time this morning, but I am very anxious to have you and the other members of our delegation to support House bill No. 16880, introduced by Mr. GAINES of Tennessee. The object of this bill is to deny the use of the United States mails to insurance companies not authorized to do business in their home States. These companies are what are known as "wild-cat" or "underground" companies, and the object of the bill is to try to stamp them out.

The bill was adopted by the recent convention of the insurance commissioners of all the States.

Very truly, yours,

JAS. R. YOUNG,
Insurance Commissioner.

Mr. BROMWELL rose.

Mr. GAINES of Tennessee. I yield to the gentleman from Ohio.

Mr. BROMWELL. I wish to inquire of the gentleman from Tennessee whether he has a report from the Postmaster-General to the effect that the Post-Office Department can not under existing law regulate this matter of using the United States mails to further schemes of fraudulent insurance?

Mr. GAINES of Tennessee. I will state to the gentleman that Mr. Folk, who is the auther of this resolution, and who prepared the bill which I introduced, spent a week here a short while ago, and we conferred with the Postmaster-General and Mr. Christiancy, counsel for that Department—Mr. Folk conferred several times, I believe. They agreed that the law as it stands is not sufficient; at all events, that there was trouble about enforcing the present law, probably because not broad enough in defining fraud in law; and this bill is drawn along the lines they suggested to Mr. Folk, I dare say. I think, and my information is, this bill has been drawn so as to extend our laws to such a class of insurance business, and under the suggestions made by these officers.

Mr. BROMWELL. In view of the broad power that the Postmaster-General now exercises in regard to fraudulent matter going through the mails, I can not understand on what ground he assumes that he can not regulate and control this matter.

Mr. GAINES of Tennessee. One difficulty I can see is in regard to the definition of this "wild-cat" concern. It is undefined by law. We should define it. Things now excluded are defined or described.

In this bill we define that term as a concern that does not comply with any law—insurance law—of the State of its headquarters or domicile. There is no law with which these concerns comply. We say in this bill: "If you do not comply with the law of the State where your headquarters are, you are a wild-cat concern, and you shall not use the mails." The bill makes this definition for the Postmaster-General. The wild-cat can not escape, then, by saying: "I intended to pay when I insured him." If he never pays, and complies with the State laws named, he can use the mails unless shown to be a fraud in fact.

Mr. BROMWELL. I am not referring to the question, what is a wild-cat concern nor what a regular concern; but if fraudulent companies are using the mails for the purpose of obtaining money by false pretenses and perpetrating fraud upon the public I can not understand why the Postmaster-General has not authority now to suppress such use of the mails. He does it in the case of fraudulent patent-medicine schemes and all other fraudulent concerns of similar character. He does not come to Congress asking for additional legislation in that matter. I am sure that the use of the mails in connection with fraudulent insurance could be suppressed in the manner indicated without any additional legislation if the Postmaster-General chose to exercise his authority of withholding this fraudulent matter from the mails. Has the gentleman any written statement from the Postmaster-General?

Mr. GAINES of Tennessee. I have not; but I want to say that this bill has been submitted to Mr. Christiancy, the counsel for the Department, by Mr. Folk; and he approves the extension of the law. He said to me in substance that there would be trouble in undertaking to enforce the law as it is—that under the recent decision of the Supreme Court of the United States there would be trouble in enforcing the present statute. This bill is drawn to meet that opinion.

Mr. BROMWELL. Has he made any attempt; has he undertaken to withhold the name of any of these fraudulent concerns and test the question as to his authority?

Mr. GAINES of Tennessee. I am not informed. I do not think he has had any insurance case of this class—those which comply with no law. This bill extends the law so as to cover such cases. This bill makes the noncompliance with the local laws, as stated, a fraud in law, and arms the Postmaster-General with the right to bar such concerns from the use of the mails without further evidence.

I do not think such a class of cases had been presented to the Department until Mr. Folk and myself urged the Postmaster-General to bar these concerns under the present law, but in substance the Postmaster-General stated that he doubted his power to do so without "special evidence of fraud in each case"—fraud in fact. This bill bars these concerns for "noncompliance" with the State laws, as explained, such noncompliance being made a fraud in law without additional evidence showing fraud in fact.

The Postmaster-General declined to act in such cases as these without "special evidence in each case," or a change in the law, as my bill suggests. This class of cases seemed to be new to the Department, and I am satisfied none such have been tried for noncompliance with State laws as explained. Hence this bill.

Mr. BROMWELL. I think that should be done first.

Mr. GAINES of Tennessee. I may add that General Payne, with Attorney-General Christiancy, read me a recent decision of the Supreme Court of the United States passing upon our postal laws which exclude fraudulent businesses from the mail, which decision, being adverse to the Government, intensified the belief of these officials that the Department is without power to exclude these lawless concerns from the mail, without evidence in each case of fraud in fact, even if they had complied with the State laws.

To prove fraud in fact in each case would greatly increase the labors of the Department, but to bar these concerns from the mail for noncompliance with the State laws would be a comparatively easy undertaking. The State officials would gladly cooperate with the Department.

Again, the proof of actual fraud is made, generally, after a fire, death, or loss has occurred and the insured refuses to pay. The insurer might not pay even after he had complied with the State laws. Still to force him to comply fully with the State laws as stated would tend to prevent fraud and encourage honest dealing before and after loss.

I am taking the time of the committee now to explain this bill, because it is very plain and patent that these fraudulent concerns exist. They produce great distress. No one will doubt these two statements. We have the postal appropriation bill under consideration, and I want to see if we can not amend it by inserting briefly the substance of my bill; and as it may be subject to a point of order, I wish to explain fully the merits and righteous purposes of the amendment, so that no one will feel warranted in raising a point of order against it.

Congress will soon adjourn; and I am afraid if we allow this

opportunity to pass, the enactment of this bill into law would be deferred for a year, and maybe longer. The existence of the evil sought to be removed must be confessed. That this kind of a law will cure it is indisputable. Now I yield to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, I take it that this is very much or identically the same proposition which the gentleman from Tennessee presented when he had the department of commerce and labor bill up for consideration.

Mr. GAINES of Tennessee. That amendment was a very brief proposition I then offered, covered elaborately by this bill, placing the enforcement of the law in the hands of the Postmaster-General, as I remember it, under the postal power granted the Federal Government. I drew it hurriedly a few moments before I offered it and without this bill being before me. The purpose of both measures was the same.

Mr. MANN. I felt very much interested in the remarks which the gentleman made at that time on the subject, because I saw that the gentleman was endeavoring to reach in one way some gross frauds which our committee had been endeavoring to reach in another way.

Mr. GAINES of Tennessee. And the reason why I differed with the gentleman was this: "That insurance is not commerce," says the Supreme Court of the United States; and I quoted the decisions of the Supreme Court—the Hooper case, from California—to prove that.

Mr. MANN. Well, irrespective of the question, as I stated to the gentleman at that time, I made no claim that insurance was commerce. My claim on that was that nobody knew what the Supreme Court would decide, and I still maintain that. My position in reference to a bureau of insurance was that it would be able to obtain and give out information which would lead to the correction of these abuses. Now, I understand the gentleman proposes to have the Post-Office Department investigate any insurance company to see whether it complies with local laws or not.

Mr. GAINES of Tennessee. Yes; and all insurance concerns that fail to comply with the laws of the State where their headquarters are, or where they do business, are forbidden the use of the mails by my bill.

Mr. MANN. Well, that is a very exhaustive subject for the Post-Office Department to enter into. On the same principle, we might have them investigate every corporation to see whether it complied with local laws or not. Where will you end, I ask the gentleman?

Mr. GAINES of Tennessee. Oh, no. This bill covers only one class of corporations. It will not be a hard job to see if they have complied with the local laws. Under the proposition which he had in his bureau of commerce and labor bill he was trying to regulate, under the interstate commerce grant of power to Congress, something—insurance—by the Federal Government which was not "commerce," and so adjudged by the courts.

Mr. MANN. That is just identically what we were not trying to do.

Mr. GAINES of Tennessee. Now, the gentleman is bound by the opinions of the Supreme Court, I take it. I dislike to be bound by them sometimes, I want to say to the gentleman, and sometimes I refuse. But that tribunal has thus spoken, and I thus acted, and the gentleman knows that I am sincere and honest in what I say.

Mr. MANN. I always believe the gentleman is not only sincere, but that he is bright.

Mr. GAINES of Tennessee. I thank you. With such luster around me, how could I be otherwise? [Laughter.] The gentleman was seeking to do something Congress had no power to do—regulate a business that was not "Federal business"—insurance—by just creating a little bureau to sit up here without teeth or power.

Mr. MANN. Does the gentleman claim that Congress does not have the power in one department of the Government to gather information, but if we transfer it to the Post-Office Department it would have the power?

Mr. GAINES of Tennessee. Exactly. That is what I am trying to explain to the gentleman, if he will permit me a moment.

Mr. MANN. The gentleman misunderstood entirely the provision. We made no claim, in reference to gathering statistics, that we are doing it under the power to regulate commerce. We made no pretense of that in the bureau of corporations.

Mr. GAINES of Tennessee. And having no power under the interstate "commerce" clause to regulate insurance, what right would you have to go down and order Brown and Jones in Tennessee or Illinois to open up their books in Nashville or Chicago and show they were wild-cats or angels without wings? Such a law would be unconstitutional and beyond the power of Congress to pass, but when we come to the power over the post-office and post-roads, it is as broad as the Republic. It covers the whole jurisdiction of the United States, including our colonies—and I am sorry always to use the word "colonies" in discussing any question pertaining to matters under our flag. This postal power knows no State lines.

Mr. MANN. Does the gentleman claim that the power the Constitution confers upon Congress must be exercised by one specific executive department of the Government, and the same power can not be exercised by another specific department of the Government in which Congress chooses to place it?

Mr. GAINES of Tennessee. I contend that Congress has the exclusive right and complete jurisdiction, regardless of State lines, to control the mails; to say what shall be mail and what shall not be; to say what can go in and what can not go in. But under the interstate-commerce clause Congress has nothing to do with insurance. You can not meddle with insurance, which is a local business—State business and not Federal business. Do you not see that that is the difference between the two bureaus? In other words, one of the bureaus—Bureau of Commerce—knows State lines, and you are obliged to submit to State lines and confine your investigations [to interstate and foreign commerce under that bureau—founded on the commerce clause of the Federal Constitution.

Under the postal clause, Congress has the exclusive right to "establish post-offices and post-roads," and that applies regardless of State lines, so that the Postmaster-General could send a good agent, whom, doubtless, the gentleman from Chicago [Mr. MANN] would select for him, to look after these concerns, with full power to act; and he would send him to Chicago and Nashville, and say to Smith and Jones: "Where is your State license? Have you complied with the law of Tennessee or Illinois?" And if they had not, he would have a right to exclude them from the use of the mails, because there are no State lines or State powers to prevent it.

The Federal jurisdiction is complete in such a case, just the same as where a man breaks open a letter box on the street or commits any depredation against the post-office service "within the jurisdiction of the United States." You have the right under the postal power of the Government to find out who the offender is and to punish him. You can not do that under the interstate-commerce clause.

Mr. MANN. Nobody ever claimed you could, and there was not a line in that provision relating to insurance which had anything to do with that.

Mr. GAINES of Tennessee. Under what grant of power to Congress were you seeking to create that insurance bureau?

Mr. MANN. We could create an insurance bureau under the authority that I have called attention to.

Mr. GAINES of Tennessee. And yet that was a "commerce" bill.

Mr. MANN. Oh, well, it does not purport to be a bill relating solely to commerce. We expressly stated to the gentleman that we made no claim under that section of the bill that insurance was commerce. That is a matter that I claim is not yet decided; but we did not put it upon that ground, at all. I do not wish to take up the time of the gentleman, but the gentleman would not claim, I suppose, that the Attorney-General could not investigate these matters, in order to determine whether the Post-Office Department should exclude a concern from the use of the mails?

Mr. GAINES of Tennessee. Not at all. His power is general in Federal matters. Insurance not being Federal business, hence he could not meddle with it.

Mr. MANN. One of the very purposes of the bureau of insurance was to gather information, so that when this information was presented to Congress, showing the very broad scope of these fraudulent companies, Congress might prohibit their use of the mails.

Mr. GAINES of Tennessee. But you were creating an insurance bureau without any legal powers to compel things to be done. I am satisfied that the gentleman agrees with me that these things should be outlawed.

Mr. MANN. Oh, I agree with the gentleman.

Mr. GAINES of Tennessee. And the gentleman agrees with me that we can do so this way?

Mr. MANN. I did not oppose the gentleman's amendment the other day.

Mr. GAINES of Tennessee. The gentleman will agree with me that we can invoke the Post-Office Department to assist in uprooting these lawless concerns. We can do that under that grant of power.

Mr. MANN. I have no doubt that we can.

Mr. GAINES of Tennessee. Now I hope the gentleman will try to get this committee to do this. The gentleman may go now and write this amendment, if he chooses. Heaven knows I do not care anything about authorship. What I want to do is to help the people, and to outlaw these concerns.

I see there is some new law proposed in this appropriation bill, and I want a little amendment that will get down to the root of this evil, so that the people will be protected as much as possible.

The gentleman knows that the State authorities now are as powerful as they can be in such matters, but this post-office power is not within the jurisdiction of the State authorities, and, therefore, this great convention comes up and states that fact and says: "Now, we ask the Government to get out of partnership with these frauds, to stop them from using the mails," and the Postmaster-General, in substance, does not feel that he has the power now to do it.

Mr. MANN. If the gentleman will pardon me——

Mr. GAINES of Tennessee. Yes.

Mr. MANN. I can conceive a very great difference between having a bureau of the Government which publishes the information that it receives, so that everybody receives fair treatment, and some unknown official in the Post-Office Department, who publishes no information, who makes no report to the public, who does not print the information that he receives, but who passes upon the question who shall use the mails and who shall not.

Mr. GAINES of Tennessee. The difference between the gentleman and myself in this matter, I am glad to see, is not in purpose. We both want to outlaw this fraudulent business, but he would invoke the commerce power of the Federal Government—which does not cover the insurance business—while I desire to invoke the postal power that can cover that business legally and powerfully, and the statutes enacted thereunder I desire to extend to the insurance business.

Mr. Chairman, to show you that the Postmaster-General feels that he can not exclude these concerns for noncompliance with State laws I cite the committee to the fact that the gentleman from Iowa [Mr. HEPBURN] a few days ago, in this Chamber, denounced these concerns as "catamounts," holding aloft, as he stated, "the names of thirty-two in number." I wish he had published the list. They are playing havoc all over the country. Now, if the Postmaster-General was not convinced that he did not have the power, under the present law, he would have excluded these concerns before this from the mails.

Mr. Folk and myself discussed thoroughly with General Payne and Attorney-General Christiancy the necessity for immediate action barring these concerns from the mails, but without effect, save and except they suggested this amendment to the existing law with an appropriation to execute it.

The recent decision of the Supreme Court I referred to a few moments ago intensified their desire for this amendment which they approved. I submit, however, that it should be further elaborated by requiring the insuring party or thing to comply with the laws of the State or Territory wherein the party insured lives or the property insured is situated, so that suits, if necessary, can be immediately brought and into local courts. This would protect the people at both ends of the line.

This bill has been referred to a subcommittee, but the chairman of that committee, the gentleman from Pennsylvania [Mr. BINGHAM], is absent. Learning this, I went to the other two gentlemen who are on that committee, the gentleman from Ohio [Mr. BROMWELL] and the gentleman from Missouri [Mr. COWHERD]. They are both ready to proceed with the consideration of this bill as soon as the chairman returns, which may be some time yet.

But here, now, we have up this Post-Office appropriation bill. We can put a little amendment on here to cover these cases, and nobody ought to object or interpose a point of order.

What is the object of a point of order?

It is to prevent the members from being taken by surprise and provoke full consideration. Nobody could be taken by surprise in this matter after what has been said about these concerns and this bill.

Here is a great appropriation bill carrying out the laws referring to the mails. The Postmaster-General does not think he has power enough, and here is the gentleman from Ohio ready and willing to consider the matter, and so is the gentleman from Missouri; and if this amendment is offered and no point of order made, this law can be made this session, plain and powerful, and the Postmaster-General can soon act.

Mr. BROMWELL. If the gentleman will permit me to interrupt him, I will state that the gentleman is entirely correct in stating that "the gentleman from Ohio" is as much opposed to this wild-cat insurance as the gentleman from Tennessee. The first case I ever had the pleasure of carrying from the police court of Cincinnati to the supreme court of Ohio was a wild-cat insurance case. I won the case all along the line, and the violator of the law was severely punished as a result.

My sympathies are entirely with the proposition of the gentleman from Tennessee; but this is a matter that has come into the Post-Office Committee's hand by a bill offered by the gentleman from Tennessee, which is now in the hands of the subcommittee, of which the gentleman from Pennsylvania [Mr. BINGHAM] is chairman; and I think I can assure the gentleman that as soon as General BINGHAM returns and is able to call that subcommittee together the bill will receive consideration, and I have no doubt, so far as the subcommittee, and possibly the full committee, are concerned, that it will receive a favorable report.

At the present I would much prefer not to attempt to put it on an appropriation bill. There is some information that the subcommittee itself thinks it would like to get from the Postmaster-General before they unqualifiedly approve this bill. I myself would like to have a statement of the Postmaster-General officially saying that he has not adequate power for him now to enforce the law against these frauds, and I would further like to have an indorsement of the Postmaster-General in writing as to his approval of this particular bill.

Mr. GAINES of Tennessee. I am perfectly willing to have all that, but I do not want this Congress to die without the enactment of this or a similar measure.

Mr. BROMWELL. There is over a month yet before Congress expires.

Mr. GAINES of Tennessee. But, inasmuch as the chairman is absent and has been absent for some time, I do not know how long he may be, and the gentleman says "if" he comes back he will do so and so; but will he give consideration to this bill in time for Congress to act?

I am ready now to go with the gentleman from Ohio or the gentleman from Missouri to the Postmaster-General and have a conference with him regarding this matter. I am ready to do anything proper rather than to let this bill hang on for another twelve months when we know we can give relief here by a small amendment which will give the necessary power to the Postmaster-General.

However, I will abide by the gentleman's suggestion and not offer the amendment, hoping to pass the bill this session.

Mr. Chairman, I want to submit a letter from the actuary of the insurance department of the great State of Missouri. When we had this matter up a few days ago one of my distinguished colleagues from that State [Mr. SHACKLEFORD] objected to the position I took about this matter, and said the State laws were sufficient and that the bill was pure "Federalism." I am invoking Federal power in this bill. It can not be a State power unless you amend the Constitution and give the postal power back to the States. Will the Clerk please read the letter?

The Clerk read as follows:

INSURANCE DEPARTMENT, STATE OF MISSOURI,
City of Jefferson, January 27, 1903.

Hon. JOHN W. GAINES, M. C.,
Washington, D. C.

DEAR SIR: I take this opportunity of expressing my approval of House bill No. 16880, introduced by you on the 19th of January, 1903, providing that certain sections of the statutes of the United States shall be made applicable to insurance companies or organizations not authorized by the State or Territory in which they are organized or domiciled. This is a measure which should receive the support of every member of Congress, as it will materially assist in stamping out a fraud which is practiced, I believe, in every Congressional district in the United States, and one which has become very annoying to the people. I trust the measure will become a law. I have also written a member of Congress from the district in which I live, namely, Hon. W. D. VANDIVER, of the Fourteenth district of Missouri.

Very respectfully, yours,

J. B. REYNOLDS, *Actuary.*

Mr. GAINES of Tennessee. Now, Mr. Chairman, I desire to insert in the RECORD, with the consent of the committee, in extending my remarks on this question, a list of the fraudulent concerns that have been excluded from the use of the mails under the present law, so as to show the committee what has been excluded—and I take it that everything has been excluded that could have been under the law—and I fail to find any insurance company in the list. If I am correct, there is an active official construction of the law as it is, showing an absence of power.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to insert with his remarks a list. Is there objection? [After a pause.] The Chair hears none.

The paper referred to is as follows:

FRAUDULENT MATTER IN THE MAILS—INSTRUCTIONS TO POSTMASTERS.

31. It having been made to appear to the Postmaster-General, upon evidence satisfactory to him, that the Honduras National Lottery Co., Paul Conrad, President, and Paul Conrad, at Puerto Cortez, Honduras, Central America; Juarez Beneficiencia Publica Lottery, and M. Carguellos, Inspector of Juarez Beneficiencia Publica Lottery, at City of Mexico, Mexico; Bissell, Platt & Co., at Toronto, Canada; the Mutual Guarantee Co., Francisco Alfaro, President; R. E. Kuchnert, Vice-President; Ignacio Burgoa, Second Vice-President; Charles E. Quincy, Secretary and Manager; W. E. Fry, Treasurer, and General E. Gaynor, Actuary, at City of Mexico, Mexico; the Santo Domingo Lottery Co., J. B. Sarson, President, at City of San Domingo, Republic of San Domingo, are engaged in conducting lotteries or similar enterprises for the distribution of money by lot or chance through the mails, in violation of the act of Congress entitled "An act to amend certain sections of the Revised Statutes relating to lotteries, and for other purposes," approved September 19, 1890.

Now, therefore, by authority vested in him by said act, and by the act of Congress entitled "An act for the suppression of lottery traffic through international and interstate commerce and the postal service, subject to the jurisdiction and laws of the United States," approved March 2, 1895, the Postmaster-General hereby forbids you to pay any postal money order drawn to the order of said parties, and you are hereby directed to inform the remitter of any such postal money order that payment thereof has been forbidden, and that the amount thereof will be returned upon the presentation

of a duplicate money order applied for and obtained under the regulations of the Department.

And you are hereby instructed to return all letters, whether registered or not, and other mail matter which shall arrive at your office directed to the said parties to the postmasters at the offices at which they were originally mailed, to be delivered to the senders thereof with the word "Fraudulent" plainly written or stamped upon the outside of such letters or matter: *Provided, however*, That where there is nothing to indicate who are the senders of letters not registered or other matter, you are directed in that case to send such letters and matter to the Dead Letter Office with the word "Fraudulent" plainly written or stamped thereon, to be disposed of as other dead matter under the laws and regulations applicable thereto.

FOREIGN LOTTERY COMPANIES AGAINST WHICH ORDERS SIMILAR TO THE ABOVE HAVE BEEN ISSUED.

The International Patentees' Agency, at London, England.
Loteria Mexicana de la Beneficiencia Publica, L. D. Ladish, president; Francisco B. Espinosa, interventor; Tropical Fruit Company, Box 174; Huasteca Cooperative Land, Coffee, and Fruit Company, Apt. 174, at San Luis Potosi, Mexico.
Hamburger Staats-Lotterie (Hamburg State Lottery), Wilhelm Schulze, haupt-collector (William Schulze, principal collector), at Neustrelitz, Germany.
Mexican American Coffee Culture Company; Mexican Marble Company; A. Sagastegui, C. Davila, boxes 174 and 184, at San Luis Potosi, Mexico.
H. Wallace, D. Estrada, and C. Leopoldo, at San Luis Potosi, Mexico.
S. Melendez, L. C. Sigiesmundo, and A. Diaz, at San Luis Potosi, Mexico.
J. Zavala, L. S. Clement, and A. Galindo, at San Luis Potosi, Mexico.
L. E. Kiefer, box 174, alias L. E. Keifer, at San Luis Potosi, Mexico.
U. Bassetti, at City of Mexico, Mexico.
National Society of Sculpture, J. E. Clement, manager: secretary, box 1025, at Montreal, Canada.
Albert Jarmulowsky, Schau Schwencke and Schwerdfeger, at Schwerin, in Mecklenburg, Germany.
Neubauer & Rendelmann; National Lottery of the Kingdom of Saxony; Brunswick-Lunenburg National Lottery (Braunschweig-Lunenburgische Landes-Lotterie), at Neustrelitz, Schwerin, in Mecklenburg, and Berlin, Germany.
Mutual Guarantee Company of Mexico, City of Mexico, Mexico.
H. B. Cocke, at City of Mexico, Mexico.
C. Humme, at Hamburg, Germany.
Valentin & Co., at Hamburg, Germany.
Martin Meyer, jr., & Co., at Hamburg, Germany.
Fox Manufacturing Company, at Toronto, Canada.
Gerhd. R. Hagerfeldt, at Lubeck, Germany.
J. Dammann and the Ducal Brunswick-Lunenburg State Lottery, at Hamburg, Germany.
Otto Forster & Co., Lubeck State Lottery, Hamburg, Germany.
Henri Hirsch, 10 Rue Chauchat, Paris, France.
Albert Gerber and the Royal Hungarian Money Lottery, Budapest, Hungary.
Wilhelm Schulze and the State Lottery Office, Hamburg, Germany.
R. Unger, Eisenach, Germany.
Mercur and the Royal Hungarian Lottery, Budapest, Hungary.
Conrad Lewin, Neustrelitz, Germany.
W. Fodor & Co., Budapest, Hungary.
Lowenherz & Co., Hamburg, Germany.
City of Hamburg Lottery, Chief State Lottery of Hamburg, Lottery of City of Hamburg, Hamburg, Germany.
National Society of Sculpture, Quebec, Canada.
Thimothe Archambault, Quebec, Canada.
Wilhelm Schulze, Hamburg, Germany.
Messrs. Szanto & Co., Budapest, Hungary.
Herman Osterwitz, Dessau, Germany.
Karl Fekete, Budapest, Hungary.
Bernard Leprohen, Montreal, Canada.
Gabor Munk, Budapest, Hungary.
E. Drolet, Quebec, Canada.
Gustav Kluver, Hamburg, Germany.
Dorge Frigyesbankhaza, Budapest, Hungary.
S. Perlberg, Budapest, Hungary.
S. Perlberg and Royal Hungarian Money Lottery, Budapest, Hungary.
J. Garber, Budapest, Hungary.
Bankinghouse Hecht, Budapest, Hungary.
A. Brandon & Co., Amsterdam, Holland.
Max Schlessinger, Mainz, Germany.
Campania de Lotteria de Monterey, Neuva Leon, Mexico.
Ernst Harmson & Co., Lubeckishhen Staats Lotterie, Hamburg, Germany.
The Saxon States Lottery, Chemnitz, Saxony.
Wildemar Hiller, Chemnitz, Saxony.
Herman Hiller, Chemnitz, Saxony.
The Grande Loterie en favour de l'Eglise Catholique, and P. E. Demers, A. E. D'Artois, and J. A. Decles, at Farnham, Quebec.
Canadian Royal Art Union and S. T. Dickinson, manager, Montreal, Canada.
H. Thunnissen, agent, Hamburg, Germany.
D. M. Goldschmidt, Hamburg, Germany.
Emil Zarncke and the Mecklenburg-Schwerenchen Geldlotterie, Schwerin, Mecklenburg, Germany.
Royal Hungarian Lottery and Emil Veg and Armin Schön, jr., Budapest, Hungary.
Martin Meyer, jr., & Co., Hamburg, Germany.
H. Langenhahn and Great German Money Lottery, Bremen, Germany.
Sachsen-Thuringisch-Anhaltischer Staats Lotterie; M. Lam, Lubeck, Germany.
Credit d'Epargue, Paris, France; Emile Tuchmann.
"Credit General du Canada," Montreal, Canada.
"L. Levesque," Montreal, Canada.
Joseph Vincent, Quebec, Canada.
"Tattersall," care George Adams, Hobart, Tasmania.
Pierre Longtin, Quebec, Canada.
Carl Farnow, Hamburg, Germany.
S. Sarkany and Arnold Martony, Budapest, Hungary.
The National Society of Sculpture and A. W. Blouin, Montreal, Canada.
Loteria Tamaulipeca, Tampico, Tam., Mexico.
J. Kornberg and Hamburg State Lottery, Hamburg, Germany.
Santo Domingo Lottery Company, and the Haytian Lottery Company, Port au Prince, Haiti.
Franco-Bulgarian Bank and Lottery of the town Sofia, Sofia, Bulgaria.
Conrad Lewin, Berlin, Germany.
Nicolaus Jacobi and Herzogl. Landes-Lotterie, Bremen, Germany.
Loteria Nacional (National Lottery), Mexico City, Mexico, and J. Maxemin, agent, Mazatlin, Sinaloa, Mexico.
The Boer Liberty Lottery and International Boer Union, City of Mexico, Mexico.
E. J. Cohen & Sohn and the Hamburg State Lottery, Hamburg, Germany.
Victor and Rudolph Josephy and Mecklenburg-Schwerinchen Landes-Lotterie, Schwaan, Mecklenburg, Germany.
F. Goldschmidt and Hamburg State Lottery, Hamburg, Germany.
Theodor Klüver and Hamburg City Lottery, Hamburg, Germany.
Emanuel Feyertag and Royal Hungarian Lottery, Budapest, Hungary.
Committee of the Artistic Lottery, Committee of the International and Artistic Lottery, and Au Comité de la Loterie Artistique Internationale, The Hague, Holland.
Pater Barral, Immensee, Switzerland.
Banque Franco-Bulgare, and Monsieur le Directeur de la Banque Franco-Bulgare, Sofia, Bulgaria.
Heinrich Schilephake and Mecklenburg-Schwerin State Lottery, Neustrelitz, Germany.
Karl Kiss & Co., and Banque Karl Kiss & Co., Budapest, Hungary.
Wilhelm Grodhaus and Hessisch-Thuring Staatslotteries, Darmstadt, Hesse.
Windus & Co., Hamburg, Germany.
N. D. Bartels Wwe. Nachf., Bankers, Hamburg, Germany.
Ad. Goldschmidt, Hamburg, Germany.

32. The attention of postmasters and other employees of the postal service is called to section 499, P. L. and R., which prohibits the circulation in the mails of all matter relating to lotteries, or schemes offering prizes dependent upon lot or chance. In cases of doubt, where postmasters have reason to believe that any scheme or advertisement is in violation of the lottery law, they should refer the matter to the Department for instructions.

33. Postmasters must not give opinions as to the construction of the lottery law as applicable to advertisements or schemes submitted to them. All such questions should be referred to the Department.

FOREIGN LOTTERY MATTER.

34. Postmasters and other postal officials are hereby notified that "fraud orders" issued against lottery companies and their officers operating in foreign countries do not cover mail matter originating in foreign countries and simply passing through our territory, but cover mail matter originating in this country only which is addressed to any of the parties named in such orders.

Mr. GAINES of Tennessee. I desire now to discuss the power of Congress to exclude persons and concerns engaged in "wild-cat insurance business" and "trusts" which restrain trade from the use of the mails.

Congress, and not the States, has exclusive control of our postal service. Congress has admitted and excluded what Congress chose to admit or exclude, and this power was by Congress invoked in crushing lotteries, and in the noted case of In re Rapier, Mr. Chief Justice Fuller, for the Supreme Court of the United States, upheld the act of Congress—the antilottery statute. There can be no doubt of its constitutionality, nor of the bill I have introduced extending the provisions of this antilottery statute to wild-cat insurance concerns.

The Supreme Court of the United States, in the case of Pensacola Telegraph Company against the Western Union Telegraph Company (96 U. S., pp. 8, 9), said:

> Congress has power to regulate commerce with foreign nations and amongst the several States (Const., Art. 1, Sec. 8, 3), and to establish post-offices and post-roads (Id., paragraph 7). Since the case of Gibbons *v.* Ogden (9 Wheat., 1), it has never been doubted that commercial intercourse is an element of commerce which comes within the regulating power of Congress.
>
> Post-offices and post-roads are established to facilitate the transmission of intelligence. Both commerce and the postal service are placed within the power of Congress because, being national in their operation, they should be under the protecting care of the National Government.

I stop here to call special attention to this language of the court:

> Post-offices and post-roads are established to facilitate the transmission of intelligence.

I know of no decision of the Supreme Court of the United States defining a letter to be "commerce." It would seem that a letter is "intelligence" carried in the mail, or out of the mail I may add.

IS MAIL "COMMERCE" OR IS THE POSTAL SERVICE A FACILITY OR INSTRUMENT OF "COMMERCE IN LAW?"

The "commerce" grant of power and the "postal" grant of power to Congress are separate and distinct grants, the first being given to regulate "commerce" among the several States and foreign nations, and the other—the postal grant—to regulate the transmission of "intelligence" by and through the postal service.

This is evidently the distinction drawn by the court in this case, for the court says:

> The powers (postal and commerce) thus granted are not confined to the instrumentalities of commerce, or the postal service known or in use when the Constitution was adopted * * * They were intended for the government of the business to which they relate at all times and under all circumstances.

The court states how these two—"both"—powers were "intended" to be used—their purpose—for the court in the next sentence says:

> As they (these two powers) were intrusted to the General Government for the good of the nation, it is not only the right but the duty of Congress to see to it that (1) intercourse among the States and (2) the transmission of intelligence are not obstructed or unnecessarily encumbered by State legislation.

IS A LETTER COMMERCE?

It is plain to me that the "commerce" power of Congress was intended and is to be used to regulate what is known as "commerce" and the "postal" power, a separate and distinct grant, is "intended" to be used in the "transmission of intelligence"

by way of letters. Or to put it differently, "commerce" is one thing and "intelligence" is another. Commerce is one thing and mail another.

Of course Congress can and does permit certain small commodities to be sent through the mails, but such articles are "commerce," not "intelligence," not information, not letters.

THE LITTLEFIELD TRUST BILL—DOES IT EXCLUDE TRUSTS FROM THE MAILS?

I have referred to this opinion for the purpose of reminding Congress that the antitrust bill reported to the House a few days ago by the gentleman from Maine [Mr. LITTLEFIELD] omits to use plain language for excluding from the mails (assuming for the present this is the intention of the bill, which I doubt) trusts, combines, monopolies, etc.. engaged in the restraint of "interstate" trade. Here is the language of this bill, which provides that these "trusts," etc., in restraint of interstate trade (not State trade) "shall not use the facilities or instrumentalities of interstate commerce."

If this language is "intended" to cover the "postal service" as one of the "facilities or instrumentalities of interstate commerce," I have grave doubts that it succeeds, under the opinion of the Supreme Court just quoted.

Even conceding that it does, or that its author honestly intended this language to cover the postal service and exclude interstate trusts, etc., described in the bill, from the use of the mails, I submit that it is better that we say literally what we mean than use doubtful terms. We can easily do that. We can say the "trust," etc. (described in the bill), "shall not use the mails."

This removes all doubt of the intention of Congress. These words are plain. They are well understood. Why not use plain language? The courts have defined them and Congress has used them heretofore, for similar words are now included in certain of our postal laws.

The courts would not be called on to define these words or explain their meaning.

If the language, "facilities or instrumentalites of interstate commerce" is used, delay follows, litigation ensues; and the courts, already crowded, it is said, must "construe" this language and judicially hold that the postal system is one of our interstate "facilities or instrumentalities," in the face of the fact already shown in the telegraph case referred to, wherein the court said:

Post-offices and post-roads are established to facilitate the transmission of intelligence.

The court in this case treats the "commerce" power and the "postal power" of Congress as separate and distinct powers, the one granted to control interstate and foreign commerce, and the other to control "the transmission of intelligence" by the use of post-offices and post-roads.

WHAT DEMOCRATS AND REPUBLICANS DID IN FIFTY-SIXTH CONGRESS.

In the Fifty-sixth Congress, January 3, 1900, I introduced a bill to regulate trusts. That bill described fully trusts, monopolies, combines, etc., it proposed to regulate. It covered all concerns, including persons who undertook to restrain both State or interstate trade.

This Littlefield bill is confined to interstate trade only.

I discussed my bill thoroughly two or three times in the House. Both Democrats and Republicans thought so well of this plan as one of the ways to regulate trusts—both Democrats and Republicans adopted it. They incorporated this provision in an antitrust bill which passed the House and went to the Senate, where, and as the Democrats prophesied, it received an untimely death and prompt burial by the willing hands of Republican Senatorial pallbearers, ever faithful to their allies—trusts. [Laughter.]

I now ask, if the Republicans mean to exclude trusts from the mails, why abandon the plain language thus adopted by both parties in the last Congress, that these trusts, etc., "shall not use the mails," and adopt the novel, undefined, unused, indefinite, and at least doubtful language of "facilities or instrumentalities of interstate commerce" in lieu.

It is strange that the gentleman from Maine [Mr. LITTLEFIELD], who said much in the last campaign in favor of outlawing trusts, now voluntarily, or under the directions of the President, who said last fall that he (the President) must be taken as being sincerely opposed to trusts—that his "my words must be taken at their face value"—should now use language undefined by the courts and of doubtful meaning if the gentleman from Maine and the President, or either, really mean to say by that language "that the trusts shall not use the mails."

WHY NOT EXCLUDE STATE TRUST TRADE FROM THE MAILS?

Assuming that the words "facilities or instrumentalities of interstate commerce" are broad enough on their face for the court to twist or construe them into meaning or covering our "postal service" and that the trusts, etc., described in the bill could not lawfully use the mails, still trusts, combines, monopolies, etc., engaged exclusively in the restraint of "State" trade are not excluded from the mails by this bill, because it applies to "interstate" trust trade and not to State trust trade, that is, trades in restraint of commerce done wholly within the limits of the State.

Whereas if all trusts, etc., in restraint of State and interstate trade were excluded from the use of the mails, the source and the stream of "commerce," State and interstate, would be stripped of State trusts restraining State trade and State trusts or interstate "trusts" restraining interstate or foreign trade.

Why invoke half the power of Congress over our post-roads and mail? Why exclude only trusts engaged in restraint of interstate trade from the mails? Why make half a bite at a whole cherry? The trade, whether State or interstate, begins within the limits of some one of the several States or Territories. There the trust's seed is planted. There it grows. There it spreads like a great banyan tree. There State trust trade begins, and from that trade flows interstate and foreign trade.

Why not, then, broaden this bill so as to exclude all trusts, etc., from the use of the mails when engaged in State trust trade or interstate and foreign trust trade, or all three of them?

The bill which I introduced January 3, 1900, in the Fifty-sixth Congress, and again in the present Congress, December 6, 1902, clearly covers this unfortunate omission in the Littlefield bill now before this Congress, excluding both State and interstate trust trade from the mails.

Mr. Chairman, the distinguished gentleman [Mr. PALMER] who now honors me by listening attentively to my remarks asked yesterday my colleague [Mr. PATTERSON of Tennessee] this question: "Can Congress prohibit interstate commerce?"

I will answer the gentleman with pleasure, and say, Yes, and Congress has done so, and the Supreme Court of the United States, from the days of Chief Justice John Marshall down to the days of Chief Justice Fuller, have held that the power to "regulate interstate and foreign commerce given to Congress is full and complete in Congress," and that Congress, under this power, can "prohibit" trusts, combines, etc., which "directly restrict interstate and foreign commerce."

Mr. Justice Peckham, for the whole court, in the noted Addyston pipe-trust case, uses the word "prohibit" in defining the extent of this power as to interstate trusts, and that word has been frequently employed in defining the extent of the power of Congress to regulate this outlawed "commerce."

The court in this pipe-trust case affirmed the circuit court of appeals in this construction of this power (with a slight alteration of the decree which undertook to enjoin that portion of this pipe-trust business done wholly within the State of Tennessee, the headquarters of this concern).

The court confined, in other words, the operation of the antitrust act of June 2, 1890, to the prohibition of all contracts and combinations in direct restraint of interstate and foreign commerce, and distinctly held that this act provides that such concerns are "prohibited" and can be and were prohibited legally by Congress under this act.

The opinion of the circuit court of appeals was rendered by the full court—Justices Taft, of Ohio; Lurton, of Tennessee, and Severens, of Michigan—Mr. Justice Taft speaking for the court.

In reading these two opinions and the cases they cite, you will immediately see that Congress has the power under this commerce law to regulate, even to the extent of prohibiting, both interstate and foreign commerce, and hence we are forced to the conclusion that Congress can "prohibit" both.

Indeed, Congress has prohibited both, and begun at an early date; so did the several States before the Constitution.

I cited a number of such Congressional statutes in my speech in the House June 2, 1900, and reviewed all the authorities, or many of them, on the subject, two of which I have already cited, and I would feel honored if the distinguished gentleman [Mr. PALMER] would scan that speech, easily found here in the House library (RECORD, vol. 33, appendix, 1st sess. 56th Cong., p. 688). I will insert this particular portion of this speech in extending my remarks, as follows:

1. The Wilson tariff law of 1894 prohibited the importation of convict-made goods in these words:

"That all goods, wares, articles, merchandise, manufactured wholly or in part in any foreign country by convict labor shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited," etc.

This prohibitory provision was carried into and is now a part of the Dingley tariff law. So, in recent legislation both the advocates of the Wilson tariff law—the Democrats—as well as of the Dingley tariff law—the Republicans—under its commerce power has the right to prohibit foreign commerce, and, as I will show later on, interstate commerce, too.

2. The old laws prohibiting commerce with France and England, known as the embargo acts, were held constitutional as a proper exercise of the commerce power of Congress. They were generally approved and discussed in the Clark *v.* Field case (143 U. S.), where the McKinley tariff law was brought into question. Mr. Cooley, on the Principles of the Constitution, citing cases at page 70, says the embargo acts were a "constitutional" exercise of our commerce powers, and adds:

"The power that controls commerce from the very nature of things includes the power to restrict and limit—to prohibit as to certain things and to

suspend altogether when, for the time, it seems wise. It is a sovereign power and knows no limit."

Again:

"The power to regulate commerce among the several States is granted to Congress in terms as absolute as is the power to regulate commerce with foreign nations." (Brown *v.* Houston, 114 U. S., 622; Crutcher *v.* Kentucky, 141 U. S., 47.)

3. Congress has prohibited commerce with the Indian tribes even within the limits of a State and all manner of trade with them except by persons duly commissioned (act August 15, 1876), and has empowered the President to prohibit the introduction of certain articles of commerce into Indian Territory (United States Revised Statutes, 2132). Congress has prohibited the exportation of cattle from Indian Territory for trade (United States Revised Statutes, 2133) and the sale of liquors to Indians (Ib., 2139).

These laws have all been held constitutional, and the power is unquestionable.

Chief Justice Taney, in the celebrated License cases (5 Howard, 504), enunciates the same doctrine:

"Congress under its general power to regulate commerce with foreign nations may prescribe what articles of merchandise shall be admitted and what excluded, and may, therefore, admit or not, as it shall seem best, the importation of ardent spirits."

And in the United States *v.* Forty-three Gallons of Whisky, etc. (93 United States, 188), it was likewise held that—

"Congress under its constitutional power to regulate commerce with the Indian tribes may not only prohibit the unlicensed introduction and sale of spirituous liquors in the Indian country, but extend such prohibition to territory in proximity to that occupied by the Indians."

In United States *v.* Holiday (3 Wallace, 407) it was held that—

"The circuit courts of the United States have jurisdiction of the selling of ardent spirits to an Indian under the act of February 12, 1862.

"By that act Congress made it penal to sell spirituous liquors to an Indian under the charge of an Indian agent, although it was sold outside of any Indian reservation and within the limits of a State. The act is constitutional under the power to regulate commerce with the Indian tribes."

We have seen from the cases above cited, based, as all our commerce law in question is, on the leading case of Gibbons *v.* Ogden (9 Wheaton), that the power to regulate interstate commerce is as complete as the power to regulate international commerce, and we see that Congress has the power, and has exercised it constitutionally, to actually prohibit international commerce.

Then why should Congress hesitate to prohibit interstate trust commerce? It clearly has the power and undertook to exercise it in the antitrust act of 1890.

In the recent Pipe case (175 U. S.) Justice Peckham, for the whole court, says:

"The reasons which may have caused the framers of the Constitution to repose the power to regulate interstate commerce in Congress do not, however, affect or limit the extent of the power itself.

"In Gibbons *v.* Ogden (supra) the power was declared to be complete in itself and to acknowledge no limitations other than are prescribed by the Constitution.

"Under this grant of power to Congress, that body, in our judgment, may enact such legislation as may declare void and prohibit the performance of any contracts between individuals or corporations where the natural and direct effect of such a contract will be, when carried out, to directly, and not as a mere incident to other and innocent purposes, regulate to any substantial extent interstate commerce. (And when we speak of interstate we also include in our meaning foreign commerce.) We do not assent to the correctness of the proposition that the constitutional guaranty of liberty to the individual to enter into private contracts limits the power of Congress and prevents it from legislating upon the subjects of contracts of the class mentioned.

"The power to regulate interstate commerce is, as stated by Chief Justice Marshall, full and complete in Congress, and there is no limitation in the grant of the power which excludes private contracts of the nature in question from the jurisdiction of that body. Nor is any such limitation contained in that other clause of the Constitution which provides that no person shall be deprived of life, liberty, or property without due process of law.

* * * * * * *

"The provision in the Constitution does not, as we believe, exclude Congress from legislating with regard to contracts of the above nature while in the exercise of its constitutional rights to regulate commerce among the States. On the contrary, we think the provision regarding the liberty of the citizen is, to some extent, limited by the commerce clause of the Constitution, and that the power of Congress to regulate interstate commerce comprises the right to enact the law prohibiting the citizen from entering into those private contracts which directly and substantially, and not merely indirectly, remotely, incidentally, and collaterally regulate to a greater or less degree commerce among the States.

"We can not so enlarge the scope of the language of the Constitution regarding the liberty of the citizen as to hold that it includes or that it was intended to include a right to make a contract which in fact restrained and regulated interstate commerce, notwithstanding Congress, proceeding under the constitutional provision giving to it the power to regulate that commerce had prohibited such contracts."

We then see here, from the latest utterance, that Congress did "prohibit" interstate-commerce trust combines, and that such a provision does not trench upon that liberty of the citizen the Constitution guarantees. In the other two leading cases, The United States *v.* Joint Traffic Association (171 U. S., 505) and the Missouri transportation case (136 U. S.), the court holds that Congress has the power to prohibit interstate trust commerce which is interstate commerce.

4. Congress has prohibited the importation of adulterated or unwholesome food or drugs and other things injurious to health (acts August 30, 1890, March 2, 1897) and the importation and exportation of diseased cattle (act August 30, 1890), and interstate commerce in diseased live stock (act May 29, 1884), and the exportation of slaughtered meat (act March 3, 1891).

5. Congress has prohibited the immigration of idiots, insane persons, criminals, polygamists, and Chinese (acts March 3, 1891, March 3, 1894, August 3, 1882, March 3, 1875). See the authorities touching upon these various acts and the power of Congress to enforce them in Desty's Federal Constitution, and Prentiss and Egan on the commerce clause of the Federal Constitution, page 337, etc.

6. Only a few days ago Congress passed what is known as the Lacey bird bill, prohibiting the sale and transmission of birds killed in a State prohibiting their killing to another State, which, as the author of the bill, the gentleman from Iowa [Mr. LACEY], admitted in his speech was based upon the right of Congress to prohibit interstate commerce.

7. Congress a few days ago passed a bill allowing the States to prohibit the introduction of convict-made goods in the several States that may refuse their admission.

8. In 1888, May 22 (RECORD, vol. 92, p. 4533), the House, by vote of 185 to 44, passed a bill prohibiting convict-made goods from being shipped from one State to another. Our most notable Republicans and Democrats in that Congress supported that measure—Mr. Speaker HENDERSON, President McKinley, Representatives GROW, Grout, HOPKINS, CANNON, DALZELL, Brown of Ohio, Dingley, Senator BURROWS, Senator Gear, Senator LODGE, Senator MASON, and many leading Democrats.

Now, in the face of the action of Congress here shown for over a hundred years in prohibiting—not simply regulating, but prohibiting—international and interstate commerce, can any fair-minded man, halfway patriotic, longer dispute that Congress has the power to prohibit interstate and international commerce? For a hundred years Congress has enacted such legislation, and the court has uniformly upheld such laws.

Why, then, should Congress not prohibit interstate trust commerce?

At an early day we passed embargo acts, by which we prohibited foreign commerce and held up commercial ship lines. They were held valid laws under the commerce grant of Congress to "regulate" commerce. Mr. Cooley cites some of the courts who upheld these laws, although the opponents of the laws claimed the power to "regulate" did not include or extend to the "annihilation" of commerce. But in a case from Massachusetts, decided in 1808 or 1809, the Federal court declared the power went that far, but the embargo act did not annihilate "all commerce." Annihilation was unnecessary even as a war measure.

ANNIHILATION IS A QUESTION OF POLICY AND NOT POWER.

In the construction of the McKinley tariff law, the Supreme Court of the United States, in the case of Field *v.* Clark (143 U. S. Rept.), referred to these embargo and other prohibitory acts approvingly, going to show what Congress had done and could do legally under this power to regulate commerce.

We prohibited the importation of convict-made goods under the Wilson tariff law.

We prohibited the transportation of diseased cattle through the States.

We prohibited the importation of diseased goods.

We prohibited the importation of certain undesirable foreigners.

We prohibited the transmission of liquors to the Indians.

We prohibited the use of interstate freight trains without certain car couplers—to preserve life.

We recently prohibited the shipment of game from States prohibiting its killing and shipment—the Lacey law.

All of these acts, or many of them, I referred to briefly in my speech of June 2, 1900.

There can be no question about the "extent" of the power of Congress to regulate interstate and foreign commerce, and if we stand by the opinions of the Supreme Court of the United States we can go so far as to "prohibit" such commerce. Whether we should prohibit honest commerce is a question of policy and not of power under these decisions.

But we see the court of last resort has already decided, time and again, that Congress can "prohibit" and that Congress has legally "prohibited objectionable" interstate and foreign commerce, and that is the question. That is the issue, plus the enforcement of the law as it is and as amended. This is as far as we need to go to remedy this evil.

"TRUSTS" ARE OUTLAWS.

I denounce, along with this court and the great mass of the people of the United States, all trusts, monopolies, corporations, or other concerns which, or persons who directly restrain State, interstate, or foreign commerce.

Such business is outlawed by the wish and for the welfare of the people and for the preservation of the purposes of the Government, which purposes are to encourage and protect each and every individual within the jurisdiction of this Republic in his inalienable right of preserving his life, maintaining his happiness, his liberty, and protecting the high and the low from lawlessly harming each other.

Monopolies are outlawed by the common law, which has been defined as "the collected wisdom of ages."

Mr. Justice Jackson, of Tennessee, soon after the enactment of the antitrust act of 1890, declared that law to be the common law broadened in some parts, and I believe Judge Taft thus spoke in delivering the opinion in the Pipe case.

Monopolies are outlawed by the common law and the statute law of nearly all if not quite all of the States and organized Territories of the United States, including even Alaska.

They have no right to exist, in law or morals. They are contrary to both. They cheat, in whole or a part, God's creatures out of their own personal chance to live and make a living in the easiest moral and legal way they can.

I believe in self-ownership and its preservation, personal independence, and rectitude of purpose, respecting always conscientiously and from a moral standpoint the smallest right that is the right of another.

The trouble about monopolies is they protect their own rights, if they have any, and absorb, grab, or destroy the rights of others, which is contrary to good morals, and hence contrary to the common law and our antitrust statutes and a healthy public policy.

Mr. PALMER. Mr. Chairman, may I interrupt the gentleman?

The CHAIRMAN. Will the gentleman from Tennessee yield to the gentleman from Pennsylvania?

Mr. GAINES of Tennessee. Yes.

Mr. PALMER. If it were necessary, in order to destroy the trusts, to destroy all commerce, would you do it?

Mr. GAINES of Tennessee. That question is one in the extreme. That is unnecessary. It in effect assumes or states that "trusts" are "all commerce," which I deny. "Trusts" are not legal or moral "commerce." "Commerce" is moral business and not immoral business. "Commerce" is legal business and not illegal business. Trusts in restraint of commerce are immoral, illegal, and contrary to the common law of the land, the State laws, and the Federal laws on trusts, to the spirit of our institutions, are in derogation to the rights of the people, contrary to the purposes of the Government, and therefore fly in the face of a healthy public policy and hence should be and are therefore outlawed, always have been, and such "commerce," if you denominate "trusts" "commerce," should be absolutely destroyed.

And it is begging the question for the gentleman to assume that we must destroy "all" commerce to strip honest commerce, if you please, of immoral and illegal commerce—trusts—assuming for argument that trusts are "commerce."

Limbs are often amputated to save the body, but because a patient now and then dies as a result of such act it is no use to stop cutting limbs off.

Again, the gentleman assumes that all commerce is represented by the trusts or trusts are all commerce.

This is a confession (1) that there are trusts, and (2) which "Congress" can "destroy"—a concession that trusts exist, and a further concession that trusts are in a majority, and, although an evil because in the majority trusts must survive and honest commerce remain oppressed, the people starved, and money getting and money holding put above the man who makes honest commerce.

It may be true that there are more sinners than saints in a given community; that the devil is in the majority; and if so, I take the stand with the minority and insist on whipping him out. We have done so on many occasions and protected society.

I agree with my friend that there are many trusts and that they may control "all commerce," and I am reminded by the question he has asked me of a stanza which as a schoolboy I was required to parse:

Wherever God's people erect a house of prayer,
The devil always builds a chapel there;
And 'twill be found, upon examination,
The latter has the largest congregation.

God's people and the Democrats, gentlemen, I dare say, built "the house of prayer." The Republicans and the trust the "chapel."

And from the manner in which the Republicans are administering the antitrust laws of this country, the way in which your Attorney-General is executing them, or rather not executing them, and the way in which the President is allowing him to execute them, or rather not execute them, there is a larger congregation of trusts—the offspring of Republicanism—in this country controlling the welfare of this people, stifling honest trade, honest commerce, and honest people than ever existed before in the history of this country. [Applause on the Democratic side.]

ANTITRUST ACT OF JUNE 21, 1890, DRASTIC.

And it is not because the law is not drastic and powerful. It is entirely inoffensive unless the Attorney-General first acts, and executes, and makes it offensive. It became law without a dissenting vote in the House or Senate. Not a single vote against it on its passage. Both parties supported it.

BOTH PARTIES DOUBTED ITS CONSTITUTIONALITY IN 1890.

Both parties doubted its constitutionality then, but said, "We will leave that to the court," notably Mr. Kerr, of Iowa, a Republican.

The court of last resort in powerful opinions has held it entirely constitutional and paid tribute to the lawmakers who framed it. And I want to say to my good friend from Pennsylvania [Mr. PALMER], whose friendship and society I always enjoy, that wherever this act of 1890 has been applied to an "interstate" trust combine that combine has been crushed out of existence.

FIRST CASE UNDER ACT JUNE 2, 1890.

The first case arose in Tennessee between a coal association of Nashville and a coal company of Kentucky, known as the Jellico coal case, reprinted in 46th Tennessee Reports. A preliminary injunction was refused by Judge Hammond, a Republican, inasmuch as the statute, as he said, was new and the Government was not required under it to give bond! So, to that extent, that a "temporary" injunction was refused is true, as stated by Attorney-General Knox in one of his recent publications; but the distinguished Attorney-General should have gone further and said on final hearing, had in three or four months after the bill was filed, a "permanent injunction" was granted and this coal trust crushed; or, to use the language of the gentleman from Pennsylvania, this coal trust was "destroyed." Yet the honest coal business survived and is thriving in Kentucky and Tennessee, and coal is selling there to-day at $3.50 to $3.75 a ton—and why? The laws are enforced. Our antitrust statutes are enforced. The people are on top.

Let me add just here that the permanent injunction was granted in this Jellico case after due deliberation, but promptly, by the late lamented Judge David M. Key, an old Confederate soldier, and that the distinguished and able United States district attorney who had charge of the case at Nashville was the Hon. John Rhum, an old Federal soldier, who fought another kind of a battle in and about Nashville over forty years ago.

Here the old Confederate and Federal soldier met and, as usual, drew blood—not from the people, but from the trusts.

Mr. Chairman, if the present laws were enforced relief would follow, I believe, the act of June 2, 1890, and an antitrust act incorporated in the Wilson tariff law and continued by the present Dingley tariff law being our two antitrust acts.

Not a single suit has been filed under the latter law of which I have ever heard, and I have industriously investigated the books and records to see. Not a case can I find. Why is this? Have we not ship trusts, international tobacco trusts, and other trusts nominated in the public press and undisputed? Why this nonaction?

PUBLICITY SHORT OF THE EVIL TO BE CURED.

I agree to your publicity proposition, but I want more. Publicity falls short of the mark; but, oh heavens and earth! How much more "publicity" do you want than the "publicity" we have had to show, for instance, the outrageous lawlessness practiced in Pennsylvania to-day, and that, too, in defiance of laws of that State, which prohibit the combination of coal companies and railroads that have produced the awful conditions of that old State?

Why, sir, the Interstate Commerce Commission, in its last report, "advance sheets," page 53, say that "The Lehigh Valley Coal Company is a corporation owned by the Lehigh Railroad Company," and I may add and charge this railroad owns and operates this coal company in the face of the constitution of Pennsylvania, which says that "railroads shall not own or operate, directly or indirectly, coal mines in" that State.

The Interstate Commerce Commission incorporates in its report the opinion of Judge McPherson, of the circuit court of the United States for the eastern division of Pennsylvania, delivered more than a year ago, January 4, 1902, and is reported in 112 Federal Reporter, 487, in the case of Lehigh Valley Railroad Company against Rainey and others.

Rainey sued this "railroad" in the State court for discriminating, in hauling coal, in favor of the Lehigh Valley Coal Company, but it was transferred to the State court.

The Federal court dismissed the suit, the court finding that there was only a "paper of theoretical discrimination," no actual discrimination or damage done Rainey, because the railroad had not hauled any coal "except for its own engines" between the points wherein Rainey alleged discrimination.

But in the course of the opinion the court, in alluding to the coal actually hauled between the two points for the use of the railroad's own engines, said:

This coal was mined by the Lehigh Valley Coal Company, which was clearly proved to be the Lehigh Valley Railroad Company. The identity of interest between the two corporations was so plain that it seemed idle to question it, so far as its practical effect upon the matter at issue was concerned, although, of course, the court did not intend to treat as nonexistent for all purposes the legal distinction between the two separate corporate entities. But dealing with real things and not with mere shows, it was clear to my mind that (for the purposes of the case before me) the coal company was mining as the scarcely veiled hand of the railroad company, and therefore that it made no difference at all what rate of freight was formally charged by the railroad company for hauling the coal. In essence, the railroad company mined, carried, and burned its own coal; and, under such circumstances, I still think it was correct to say that a charge for freight would be little more than a bookkeeping entry.

In other words, this railroad (1) owns its own coal mines, (2) digs its own coal for its own use and the public, (3) loads its own coal on its own cars, (4) hauls it at its own real or "paper" fixed rate of transportation, (5) hauls this coal on its own road into Eastern and Atlantic States, fixes its own selling price, an item being probably its "paper" rate for hauling, and (6) sells this coal to a freezing people at from $10 to $14 and $20, through some agent skulking around the streets of New York and Boston robbing an unoffending people.

Mr. Chairman, I will read the constitution of Pennsylvania, which prohibits railroads from owning or operating coal mines, directly or indirectly; yet you see they are now doing so.

This constitution reads thus:

202. No incorporated company, doing the business of a common carrier, shall, directly or indirectly, prosecute or engage in mining or manufacturing articles for transportation over its works; nor shall such company, directly

or indirectly, engage in any other business than that of common carriers, or hold or acquire lands, freehold or leasehold, directly or indirectly, except such as shall be necessary for carrying on its business; but any mining or manufacturing company may carry the products of its mines and manufactories on its railroad or canal, not exceeding 50 miles in length.

203. No president, director, officer, agent, or employee of any railroad or canal company shall be interested, directly or indirectly, in the furnishing of material or supplies to such company, or in the business of transportation as a common carrier of frieght or passengers over the works owned, leased, controlled, or worked by such company.

I dare say that this provision of this constitution was suggested by the noted opinion in the Morris Coal Company case by Judge Agnew of the Pennsylvania supreme court, where that great jurist under the common law broke up a combination of six coal companies in that State in 1871 or 1872—somewhere about that time. But the courts are silent in Pennsylvania now, on trusts and monopolies, as the tomb.

Now, gentlemen, here is "publicity" of both fact and law; but chaos, trusts, and insurrection abide and abound in Pennsylvania. Here are the facts found by the Federal court over a year ago, that this railroad company owned and operated these coal mines, and here is the constitution which says they shall not do either. And yet it is being done in defiance of all law and order.

This railroad is an "interstate instrumentality," and is hauling, beyond question, its coal through and out of Pennsylvania into States along the Atlantic coast in open defiance of the antitrust act of June 2, 1890, which clearly applies here, because it is an undisputed fact that this railroad is in a combination with four or five other railroads, and that they all own coal mines in Pennsylvania, operate them, haul the coal therefrom, fix their own rates of transportation, and sell this coal in other States by and through their agents, and at a rate that is arbitrary and prohibitory, so high is the price.

Yet neither the laws of Pennsylvania nor of the United States are being enforced against this unholy combination. The governor and State officials of Pennsylvania know of these lawless acts, yet they act not to prevent or destroy them or these combinations, but rather encourage them.

No one can tell me that Mr. Knox, the Attorney-General of the United States, who was born, reared, and lives in Pennsylvania, is not familiar with these facts, including the decision of Judge McPherson. It is unnatural and unreasonable to ask me or the American people to believe that he has not turned a deaf ear to these open charges, to these published facts, to these combinations. On the contrary, it is patent that he has closed his eyes to the situation, and that he is deaf to appeals to him to enforce our antitrust laws.

All "publicity" possible has been given in these matters through the press and by parties who swear to the truth of these charges and have regularly filed them with the Attorney-General, Mr. Knox. Yet this "publicity" has not relieved the situation nor induced or forced the Attorney-General to act.

Here is a letter of Mr. Hearst, of the New York Journal, and a copy of the petition and other documents which he has filed with the Attorney-General, Mr. Knox, showing the combination formed by these several railroads—six, I believe—to control the coal output of Pennsylvania in quantity, cost of transportation into other States, and the price for digging, hauling, and selling.

I hope my distinguished friend from Pennsylvania [Mr. PALMER] will read these documents, or permit me to read them to him. They are to be found in the CONGRESSIONAL RECORD of January 16, 1903, page 882. The gentleman will remember also that I had read here to the House an open letter addressed to the President from Mr. Hearst again briefly and succinctly challenging his attention to these combinations, and the failure of Attorney-General Knox to enforce the law. He appealed to the President to obey his oaths to see that the laws of the United States Government are faithfully executed.

The case against these combinations in the shape of a petition prepared and sworn to by Mr. Hearst have been on file before the distinguished Attorney-General, Mr. Knox, and therefore the President of the United States, since the 4th of last October, and not a single suit has been filed by way of injunction or indictment.

Mr. PALMER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Will the gentleman yield?

Mr. GAINES of Tennessee. Certainly.

Mr. PALMER. Of these railroads of which the gentleman speaks, if he will permit me, I will say that all except one were incorporated before the adoption of the constitution of 1873, and all of them owned their coal lands, and had the right to own them before that constitution was adopted, and neither the constitution of the State of Pennsylvania nor any other law could take that right away from them or violate the provisions of their charters, or the sanctity of the contracts under which they are doing business.

Mr. GAINES of Tennessee. Has not Pennsylvania some antitrust laws? Laws against combinations?

Mr. PALMER. What if we have?

Mr. GAINES of Tennessee. Have you?

Mr. PALMER. What has that to do with it?

Mr. GAINES of Tennessee. I want to be informed.

Mr. PALMER. The gentleman is complaining because the Attorney-General of the United States does not do an impossible thing.

Mr. GAINES of Tennessee. Have you any antitrust laws in Pennsylvania?

Mr. PALMER. Suppose we have?

Mr. GAINES of Tennessee. I suppose you have, as the gentleman does not admit the fact. Why does not your attorney-general and your governor enforce the law against these trusts and break up this railroad combination under your antitrust laws?

Mr. PALMER. There is no railroad combination and there is no infringement of the law, so far as I know.

Mr. GAINES of Tennessee. With all due deference to my friend's statement, here is the oath of Mr. Hearst, sworn to time and again, published time and again, and in it he shows this combination, and that the papers are filed with the Attorney-General of the United States, and have been since last October. Mr. Hearst states that the Attorney-General referred them to Mr. Burnett, United States attorney for the southern district of New York, and that not one thing has been done in this matter down to the present time.

Mr. Hearst goes on further and says that the people tried to form an independent railroad up there, with which to haul the coal from certain mines. Yet these big railroads combined and bought the lands away from them before they got the railroad, and then gobbled up the independent railroad in embryo—I believe it was the Wyoming Railroad or the Wyoming mine—so that the people in Pennsylvania and the East are again in the clutches of these five or six railroad combines.

Why, Mr. Chairman, it is just a plain case where "publicity" does not punish or make officers execute the law.

I do not know when the constitution of the State of Pennsylvania was adopted; but admitting that it is a fact that the railroads of which the gentleman speaks were incorporated before the constitution was made, is it not a fact—and a notorious fact—that this "combination" exists and has been organized in late years, and every day commits new wrongs, crimes, and misdemeanors?

Is it not a notorious fact, Mr. Chairman, that this is against the law—the act of June 2, 1890, and the interstate act? Yet nothing is done to enforce them by State or national officers. Mr. Hearst has given all the "publicity" of actual combination in Federal commerce anybody in the world wants who desires to enforce the law. He has sworn to his petition; he has filed affidavits with it, and he has supported it by certified copies of the combination, I am informed. Here it is all in the RECORD. You see the whole statement for yourselves.

I can not take my time nor the further indulgence of the committee to read this Hearst document. It is published with the petition and affidavits, etc. The gentleman will find this very interesting reading matter in this RECORD. It is perfectly plain, however, that he shows a combination of railroads to control the Pennsylvania coal output, and that the combination is in restraint of Federal commerce.

Only a few days ago the distinguished gentleman from Ohio, General GROSVENOR, brought in a resolution—and I hope my friend now will pay particular attention to what I say—and that resolution went on to say that whereas "it is apparent" there is a "conspiracy to put up the price of coal," etc., and we immediately passed the resolution and appointed the committee to go hence and see about it. This must have been in restraint of Federal commerce. "It is apparent!" How did it become any more "apparent" to him than it did to the Attorney-General with all this information before him? What now has the Attorney-General done?

Mr. PALMER. Oh, it is very cheap and easy to say in a resolution that it is "apparent."

Mr. GAINES of Tennessee. I took the gentleman from Ohio at his word when he spoke thus seriously, just as I do the gentleman who is now addressing me, and so did the House when we heard this resolution read.

Mr. PALMER. The committee has been to Boston?

Mr. GAINES of Tennessee. They have.

Mr. PALMER. And they have investigated?

Mr. GAINES of Tennessee. They have.

Mr. PALMER. And they have not been able to find any combination.

Mr. GAINES of Tennessee. Oh, but I do not read the Boston papers in that way. One of the gentlemen of this committee—I do not know who it was—said "that many a man had been hanged on less testimony" than they received up there showing this railroad and coal conspiracy. This the Boston paper stated.

Mr. PALMER. Oh, well, men have been hanged without any testimony at all.

Mr. GAINES of Tennessee. I do not know whether it was a Democrat or a Republican, Mr. Chairman, who thus spoke of the evidence educed, but the fact remains that one of the members of the committee, as one or two Republican papers of Boston stated, said that "men have been hanged on less testimony than that which they have found," showing the very thing which Mr. Hearst swears to as true is true; that is, that these railroads in Pennsylvania are in a conspiracy not only to own all the coal lands, but to dig all the coal and haul it all and sell it all, and at their prices. That is what he charges. That is what he swears to, and that is what the Attorney-General has had in his hands since the 4th of October, 1902. But what has the Attorney-General done? What is he—the Attorney-General—doing in this matter? Nothing we can see or hear.

And yet, Mr. Chairman, here we are junketing a committee all around the country to find out what Mr. Hearst has already "found" out through his great enterprise; because of his great love of country, his great love of the people. Why, I understand he was elected by many thousands to Congress in his district, a close district. That shows how close he is to the people. They have confidence in him, and the testimony that we have from this investigating committee corroborates what he has charged for the past four months, when the Attorney-General of the United States turned a deaf ear to it, who stands palsied and refuses to enforce the antitrust law of 1890, while the people of this country are freezing for the lack of coal.

Why, I have just been notified that immense cargoes of coal are coming into this country from foreign countries! You gentlemen said free coal would give no relief! Don't you know that you built your tariff to shut out coal? Didn't you? Didn't you succeed? Anthracite coal was on the free list in the Wilson tariff law, and in 1896 importations rose to 146,000 tons under that law, while in 1901, under the Dingley law, there was only one ton—a single ton—of anthracite imported.

Mr. PALMER. Mr. Chairman, coal was on the free list under the Dingley law.

Mr. GAINES of Tennessee. Oh, no.

Mr. PALMER. Oh, yes.

Mr. GAINES of Tennessee. I will show you about that.

Mr. PALMER. What was the tariff on coal under the Wilson bill?

Mr. GAINES of Tennessee. Anthracite was free of duty under the Wilson tariff, and I have a letter of December 5, 1902, from our statistician, Mr. O. P. Austin, stating that fact.

Mr. PALMER. I am informed that the duty in the Wilson bill was 40 cents a ton.

Mr. GAINES of Tennessee. Not on anthracite coal. It was free. But 40 cents is less than 67 cents a ton, the rate of the present tariff law.

Mr. MINOR. I would say to the gentleman from Tennessee that if 67 cents is a steal, then 40 cents is a steal just the same.

Mr. GAINES of Tennessee. I disagree with the gentleman, at least to this extent: 40 cents, if that was the rate, was a revenue rate levied to run the Government, while the rate of 67 cents was a rate so high that it prohibits the importation of coal and was not levied for revenue only, but for revenue, protection per se, and reciprocity added, to force reciprocal arrangements which have never been made.

Anthracite coal, however, under the Wilson tariff act was on the free list in the fact and in law, and our coal importations rose from a few tons to about 146,000 tons in 1896, while under the Dingley tariff importations continued to fall until in 1901 there was one single, solitary ton imported, and that came from the Dominion of Canada.

I have found, Mr. Chairman, Mr. O. P. Austin's letter to me of December 5, in which he says: "No anthracite coal was subject to duty under the Wilson act." I have not time to read the whole letter; I will print it in my remarks.

Under the Dingley act anthracite coal was placed literally on the free list in one part of the bill, way over near the end—paragraph 523—over a hundred paragraphs from paragraph 415, where someone, by an adroit use of language and with great knowledge of coal, succeeded in making anthracite dutiable.

Mr. PALMER. Oh, no.

Mr. GAINES of Tennessee. I am going to prove to the gentleman that I am right, as usual. [Applause.] Wait a minute. I have here a copy of the present tariff law—the act of 1897. Here is the ostensible "free list" on page 55, and under the heading "free list" there appears the following:

Paragraph 523. Coal, anthracite, not specially provided for in this act, and coal stores of American vessels, but none shall be unloaded.

Now, then, over a hundred paragraphs before paragraph 523, paragraph 415 reads:

Coal, bituminous, and all coals containing less than 92 per cent fixed carbon, and shale, 67 cents per ton of 28 bushels, 80 pounds to the bushel. Coal, slack or culm, such as will pass through a half-inch screen, 15 cents per ton of 28 bushels, 80 pounds to the bushel.

Now, gentlemen, bear in mind this fact: That there is practically no coal outside of the United States (and Mr. Austen says none inside of the United States) which has as much as 92 per cent of fixed carbon in it, and you can readily see the two sections combined operate to tax anthracite coal imported, because coal "with less" than 92 is taxable at 67 cents per ton.

Hence it was that Mr. Moody, late a member of this House, and now our distinguished Secretary of the Navy, denounced the duty on anthracite as having been placed in the Dingley tariff act "in a cowardly and sneaking way."

Paragraph 415 levies a duty of 67 cents if the anthracite contains "less" than 92 per cent fixed carbon, and as there is practically no anthracite coal in existence in foreign countries containing 92 per cent of fixed carbon, hence the great bulk of foreign anthracite coal must contain "less" than 92 per cent, and hence if brought to the United States must pay this duty of 67 cents per ton. In other words, there being no foreign anthracite coal having as much as 92 per cent fixed carbon, it must necessarily have "less" than 92 per cent fixed carbon, if it has any, and if it has "less," under paragraph 415 of the Dingley tariff act, it must pay 67 cents per ton, but if it has as much as 92 per cent fixed carbon, under paragraph 523, it is duty free.

Mr. Austin in this letter to me states that the anthracite coal in the United States ranges from 80 to 87 per cent fixed carbon, and further shows that there are a few Welsh coal mines producing anthracite containing 92 per cent fixed carbon, but I am satisfied that the customs officers would, in practice, hold as dutiable even this coal, which barely contains 92 per cent and a little over of fixed carbon, and I am informed that the customs officers did so hold and tax the little anthracite that was imported previous to our coal famine, but that Mr. Secretary Shaw, to relieve the coal situation in the East, nullified this anthracite tariff and let the coal in free.

Mr. PALMER. Mr. Chairman——

The CHAIRMAN. Will the gentleman yield to the gentleman from Pennsylvania?

Mr. GAINES of Tennessee. So that by the law saying that coal shall be free in paragraph 523, and saying in another paragraph, 415, that it shall pay a duty if it contains "less" than 92 per cent fixed carbon, when there is no such coal in existence, practically makes anthracite coal necessarily dutiable.

Mr. PALMER. If the gentleman will come up to my country, I will show him a good many thousand acres of land containing coal that has over 92 per cent of fixed carbon.

Mr. GAINES of Tennessee. I want to say to the gentleman that Mr. Austin says that the Geological Survey reports that the anthracite coal in the United States has less than 92 per cent of fixed carbon in it and that it "ranges between 80 and 87 per cent."

Mr. PALMER. You are mistaken about that.

Mr. GAINES of Tennessee. Here are the words of Mr. Austin: "According to the office of the Geological Survey, the fixed carbon contained in anthracite coal ranges from 80.87 to 87.98 per cent." That is my authority. If there is any mistake, then there are two Department public officials publishing the mistakes. Now, I want to ask my friend if he voted for the bill taking the tariff off coal the other day?

Mr. PALMER. Suppose I did; what does that have to do with it?

Mr. GAINES of Tennessee. Did you do that? I would like to know if you did that one good act?

Mr. PALMER. If I did, what would that have to do with it?

Mr. GAINES of Tennessee. Ah, there is a multum of talk and a parvum of do with the Republicans on this subject against trusts. [Laughter and applause.]

There is a great amount of palaver all over the country about the trusts. Your President last fall begged the American people to take his words at their "face value," but when he comes back to the White House, Mr. Hearst loads him and his Attorney-General, Mr. Knox, down with proof of a whole lot of interstate trusts and combines controlling coal; they both sit by with arms akimbo, in front of warm fires made of trust-dug coal, trust-hauled coal, trust-owned coal, trust-sold coal—all paid for by the people's money—while the people are freezing on the outside, pointing to those who are guilty of this criminal denial of coal, and yet the President and his Attorney-General refuse to prosecute their oppressors when they have the power and it is their duty to do so.

But more; even after the President had told Congress, what we all really knew, that free anthracite coal would relieve the "coal crisis," weeks and weeks passed before coal was relieved of a robber tax, and then, when the people were freezing here in Washington and elsewhere, the Republicans reluctantly abated the tax for a year only, at the same time saying "that this law

would give no relief, that no coal would come here with the duty on or off."

But, thank Heaven, ship loads of foreign coal are daily coming to our shores and relieving the people. The Democratic party and the Lord are on the people's side, as usual.

Mr. PALMER. The gentleman asked me a while ago if I voted for the bill taking the duty off coal. I guess I did. I always vote with the gentleman from Tennessee when he votes right, which is seldom.

Mr. GAINES of Tennessee. I am glad you did. That which is right is done on your side of the House, but it is not often. But even in this case the Republicans were whipped into action by the demands of the Democrats who represented the appealing masses on the outside and not until then.

I am very glad that my friend has confessed that he voted for this measure, even though he had to guess at what he did. I want to preserve in the RECORD, as without alcoholic effect, anything which the Republicans here in Congress do for the good of the whole country. I do not have the chance often.

Now, does the gentleman state that we can find anthracite coal in his country showing 92 per cent fixed carbon?

Mr. PALMER. Yes; more.

Mr. GAINES of Tennessee. Do you mean to say that there is anthracite coal outside of this country, in any amount, having 92 per cent fixed carbon in it?

Mr. PALMER. In Luzerne County, Pa., it shows more, and that county is in the United States, as I understand it.

Mr. GAINES of Tennessee. Outside of the United States, I asked. I want to get the gentleman to where the trouble is. We did not prohibit anything in Pennsylvania. I wish the Democrats could. The trouble is up there that we can not prohibit anything bad. [Laughter.] I wish we could, because it would make you a good people and keep you out of a constant state of revolution up there. [Laughter and applause.] My question was with reference to coal outside of the United States having 92 per cent fixed carbon, and not coal in Pennsylvania.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. Mr. Chairman, I had just reached Wales in my argument [laughter], and I really want now to get to print with my remarks these letters which I have here, showing the per cent of carbon in Welsh coal and in our coal.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent——

Mr. GAINES of Tennessee. I would like to have five minutes just to finish this matter.

Mr. PALMER. I hope the gentleman will be allowed to finish his interesting discussion, and I ask unanimous consent that he may have five minutes more.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the time of the gentleman from Tennessee may be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES of Tennessee. Now, Mr. Chairman, here is a letter, including others, dated December 5, 1902, addressed to me by O. P. Austin, chief of the Bureau of Statistics, and I want to read it for the information of the gentleman, and insert the inclosure in the RECORD:

TREASURY DEPARTMENT, BUREAU OF STATISTICS,
Washington, December 5, 1902.

Hon. J. W. GAINES,
1325 G street NW., Washington, D. C.

SIR: Since writing the letter to the Journal Company, Crawfordsville, Ind., a copy of which is inclosed, I have ascertained the following information with respect to per cent of carbon contained in certain classes of South Wales anthracite coal:

Analyses of South Wales anthracite coal.

District.	Per cent of carbon.	District.	Per cent of carbon.
Neath Abbey	91.08	Gwendraeth in Caermarthenshire	92.17
Swansea	89.60	Caermarthen:	
Ystalyfera	92.46	Pontyeats	91.16
Cwm Neath	93.12	Big Vein	88.70
Brass vein of the Cwm Cynfell colliery in Glamorganshire	91.44	Pembroke	92.17
Bonville Court in Pembrokeshire	94.18		

H. W. Hughes's Text-book of Coal Mining, 1896, reports South Wales coal near Swansea 92.56 per cent, and other South Wales coal generally, 90.39 per cent carbon.

According to the office of the Geological Survey, the fixed carbon contained in American anthracite coal ranges from 80.87 to 87.98 per cent.

Very respectfully,

O. P. AUSTIN, *Chief of Bureau.*

MEMORANDUM.

During the four months ending with October last, the anthracite coal free of duty imported was 18,266 tons; value, $85,634. The imports of anthracite coal decided to be subject to duty during the same period were 31,703 tons; value, $135,970.

The rate of duty collected is 67 cents per ton, the same as on bituminous coal, if not slack or culm such as will pass through a half-inch screen. On the latter the duty is 15 cents per ton. I am unable at present to state just how much duty has been collected during the four months indicated, but it is probable that it can be figured that on most of the dutiable 67 cents per ton has been collected.

TREASURY DEPARTMENT, BUREAU OF STATISTICS,
Washington, October 22, 1902.

The JOURNAL COMPANY,
Crawfordsville, Ind.

SIRS: In response to your favor of the 16th instant to the Secretary of the Treasury, referred to this office, with respect to imported coal, I have to reply as follows:

The Wilson tariff act went into effect August 28, 1894, and the Dingley tariff act July 24, 1897.[a] During this period covered by the two acts, as nearly as the fiscal year corresponds to it, the imports of anthracite coal for consumption, returned to this Bureau by collectors of customs, were as follows:

Anthracite coal.

Year ending June 30—	Tons.	Value.
UNDER WILSON ACT.		
1895	80,215	$304,627
1896	149,629	345,964
1897	86,880	202,923
UNDER DINGLEY ACT.		
1898	5,866	14,804
1899	601	2,686
1900	142	628
1901	1	6
1902	311	2,006

No anthracite coal was subject to duty under the Wilson Act, and collectors have returned none as subject to duty under the Dingley Act, except a few tons during the current fiscal year not shown above.

I am unable to inform you how much foreign anthracite coal contains more than 92 per cent of fixed carbon, nor am I able to inform you to what extent the tariff benefits the coal trust, nor why the clause with respect to the percentage of carbon, which makes anthracite coal dutiable, was inserted in the Dingley law.

It will be impossible to state whether the Welsh coal, mentioned in your letter as on the way to this country now, will have to pay duty until it has been appraised at the ports into which it may be imported.

The first importation of dutiable anthracite coal reported by collectors to this Bureau was during the month of September last. The amount was very small.

Very respectfully,

J. N. WHITNEY,
Acting Chief of Bureau.

TREASURY DEPARTMENT,
BUREAU OF STATISTICS,
Washington, December 5, 1902.

Hon. J. W. GAINES, M. C.,
House of Representatives, Washington, D. C.

SIR: I hope you will pardon the delay in sending you the matter which I yesterday promised should reach you before noon to-day. A slight delay occurred by reason of the fact that some new matter regarding the percentage of carbon contained in certain South Wales anthracite coal had just become available, and you will find it in the accompanying statement.

I am sorry that I am unable to give you the importations of anthracite coal by months prior to July, 1897. I now recall that I found, on taking charge of the Bureau in May, 1897, that anthracite coal was not stated separately in the monthly publications of the Bureau, but only in its annual publications, and I gave instructions that beginning with the fiscal year then just at hand anthracite should be separately stated in each month as well as annually. Our printed reports, therefore, only state the total importation of anthracite annually down to July, 1897, and monthly as well as annually since that date. I therefore give you a table showing the monthly figures, beginning with July, 1897, and a page from one of our printed volumes giving the annual figures as far back as 1892.

Very respectfully,

O. P. AUSTIN,
Chief of Bureau.

Imports of anthracite coal into the United States from June 1, 1897, to December 31, 1898, by months.

Months.[b]	Tons.	Value.
1897.		
July	3,043	$7,523
August	45	243
September	16	83
October	133	689
November	15	45
December	29	137
Six months ended December 31	3,281	8,720
1898.		
January	2,528	5,808
February	27	127
March		
April	15	74
May		
June		
July		

[a] Anthracite coal free under Wilson Act.
[b] No monthly record of imports of anthracite coal prior to July, 1897.

Imports of anthracite coal into the United States, etc,—Continued.

Months.	Tons.	Value.
1898.		
August		
September	515	$2,341
October	53	210
November		
December	11	49
Twelve months ended December 31	3,149	8,609

O. P. AUSTIN, *Chief of Bureau.*

TREASURY DEPARTMENT, BUREAU OF STATISTICS,
December 5, 1902.

Mr. Chairman, the impartial eye, at a mere glance at the letter of Mr. Austin and the exhibits to it, can see that for all practical purposes there is no anthracite coal in the United States, or outside of the United States, which contains 92 per cent of fixed carbon, and that the customs office, as I stated, would resolve all doubts against the foreign anthracite coal from Wales, and did do so last summer, and exclude it.

You can also see that whoever drew these two coal paragraphs, Nos. 415 and 523, knew all about coal, the carbon in it, and what he was doing.

He knew that there was practically no coal that could come up to the standard of 92 per cent of carbon, and that if the latter was so drawn as to tax it if it contained "less" than 92 per cent, practically all anthracite would pay 67 cents tax per ton.

This legislative operation was skillful. It takes a skilled surgeon to cut a limb off without the loss of blood. A butcher means to draw blood and lose it. You do not hear the sharp knife of the surgeon splitting flesh, but you do hear the blow of the butcher with a broadax. So it was unknown at the time the Dingley law was being framed, to many members of Congress at least, that this tax was imposed.

Its repeal a few days ago is a confession that anthracite coal was not on the "free list" and was dutiable.

FREE LIST TO KILL TRUSTS.

Mr. Chairman, a few words more and I am done. It is contended by my friend from Pennsylvania and many other Representatives, at least those members in favor of the trusts and combines, that in destroying the trusts you destroy "commerce." I maintain, in destroying the trusts you destroy dishonest commerce and leave honest commerce to prosper as it did before the days of trusts and combines, the outgrowth of protective tariff and the nonenforcement of our antitrust laws.

When General Garfield, a distinguished Republican and once a member of this House, and still later elected President of the United States, wanted to crush the salt monopoly, he said, put salt on the free list. A monopoly, he said, was making salt in New York and selling it in Canada—just across Lake Ontario—a dollar a ton less than the same salt was being sold to the people in New York and the United States. He said that they transported it from the United States to Canada, paying the cost of transportation, insurance, license, wharfage, all the expenses, and then sold the salt at less than they did to our own people. He denounced, and properly, such commerce, such an immoral and un-American and unjust act.

He was not alone in this denunciation, for by his side stood a distinguished Representative from the State of Maine, at that time a Representative in this House, Mr. HALE, now Senator HALE. He, too, denounced this salt monopoly in no uncertain terms, indeed, in the most vigorous language, and insisted that salt be put on the free list.

Here is no mean authority to cite in favor of the position the Democrats take to prevent trusts and combines from being formed hereafter and to destroy unlawful commerce that now exists in the United States.

But I now cite my friend from Pennsylvania and the committee to a most notable example of where a monopoly was crushed and thereafter the legitimate business of making quinine continued. You will remember when quinine was selling at $5 and $10 an ounce that a distinguished Kentuckian, Mr. McKenzie, a Democrat, said "put quinine on the free list." It was done. The quinine monopoly was crushed, but the legitimate quinine business continued and prospered, and does to-day, and the people all over this country can now buy quinine for half—yes, at 25 and 50 cents an ounce. We have a legitimate, honest, prosperous quinine business, and not the illegitimate, dishonest, prosperous quinine monopoly denying the people this most valuable medicine.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GAINES of Tennessee. Mr. Chairman, I thank the committee for the great courtesy they have extended. [Loud applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SPERRY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 12316. An act granting an increase of pension to Weden O'Neal;

H. R. 8650. An act for the relief of the estate of Leander C. McLelland, deceased;

H. R. 9360. An act for the improvement and care of Confederate Mound, in Oakwoods Cemetery, Chicago, Ill., and making an appropriation therefor;

H. R. 8238. An act for the relief of the heirs of Mary Clark and Francis or Jenny Clark, deceased, and for other purposes; and

H. R. 288. An act for relief of the Christian Church of Henderson, Ky.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. JAMES MCMILLAN, late a Senator from the State of Michigan.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Resolved, That as a further mark of respect at the conclusion of these exercises the Senate adjourn.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 11858. An act for the relief of William E. Anderson.

H. R. 1147. An act for the relief of the First Baptist Church of Cartersville, Ga.

H. R. 16333. An act to change and fix the time for holding district and circuit courts of the United States for the eastern division of the eastern district of Arkansas.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 342. An act for the relief of the heirs of Aaron Van Camp and Virginius P. Chapin.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 6973. An act authorizing the city of Nome, a municipal corporation organized and existing under chapter 21, Title III, of an act of Congress approved June 6, 1900, entitled "An act making further provision for a civil government for Alaska, and for other purposes," to construct a free bridge across the Snake River at Nome City, in the Territory of Alaska—to the Committee on Interstate and Foreign Commerce.

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. WILLIAMS of Mississippi. Mr. Chairman, during the last campaign we heard a great deal about Republican prosperity caused by the Republican tariff, which, in its turn, had caused an increase of price for American manufactured goods, thereby enabling the American manufacturer to pay to American labor a high wage if he wanted to. I believe I make a fair statement of the contention on the stump by Republican campaign orators during that contest, and perhaps by the gentleman from Connecticut [Mr. HILL] himself.

It was therefore with much wonder and astonishment and some degree of sympathy that I heard the gentleman from Connecticut this morning demolish the entire theory upon which his party had won the last fight. The gentleman from Connecticut [Mr. HILL] was either trying to say something, or he was trying to say nothing. He was either trying to pick flaws in the mere accuracy in details of figures and classification in a Democratic campaign book, or else he was taking them as true and building up an argument upon them.

The former horn of the dilemma I shall not consider, because I know the gentleman's frankness too well to think him capable of mere carping. I shall therefore take it for granted that he meant something, and if he meant anything at all, in producing words and figures, he meant to produce them fairly, and he meant them to mean what he said they meant, and that was this:

That, so far from the Republican tariff having increased prices, thereby enabling the Republican manufacturers to pay American labor better prices—provided, of course, they were willing to

pay them, an impossible supposition—the truth was that articles upon the free list have advanced more in price than articles upon the protected list, and therefore, according to the Republican theory, people who were producing articles on the free list earned more money for their products and were thereby enabled to pay better wages than protected manufacturers producing protected articles, provided, of course, the manufacturers made richer were willing to pay more.

That is not all, Mr. Chairman. I think it is time we were finding out whether some other Republican ideas are fallacies or not. The gentleman from Connecticut did not produce quite a fair list, because of course the gentleman knew that anthracite coal was not upon the free list.

Mr. HILL. Will the gentleman pardon me?

Mr. WILLIAMS of Mississippi. I refuse to take it for granted now that the gentleman did not mean what he said.

Mr. HILL. The gentleman says I was not fair in my quotation, but does the gentleman state that I did not quote accurately?

Mr. WILLIAMS of Mississippi. The gentleman quoted perfectly accurately—I did not mean to say that he did not quote fairly. I was not paying attention to my words. I mean the gentleman did not properly take his figures, and that he did not believe in his figures, not in his conclusion from them.

Now, Mr. Chairman, it is perfectly easy to go around and take up a figure here and a figure there and make figures prove almost anything. Somebody said figures never lie, but Macaulay said that figures were the only facts that could nearly always lie—it depended on who used them. Now, my friend has selected a list of articles.

Mr. HILL. The gentleman from Minnesota means to be fair?

Mr. WILLIAMS of Mississippi. Oh, certainly.

Mr. HILL. Did I not take every article in the entire free list furnished in the Democratic campaign text-book? Did I not take every article upon the free list without exception?

Mr. WILLIAMS of Mississippi. Yes; but not every one which was taken as upon the protected list. [Applause.] You did not arrive at any average down the line. And when you took the figures given by the Democratic campaign book as to articles on the free list, you took at least three articles, as I recollect, about which the Democratic campaign book had made a mistake—anthracite coal for one—and the Democratic campaign book is not to be blamed for making a mistake about anthracite coal being on the free list, because the President of the United States himself, who lives so strenuous a life that he ought to find out everything, did not find out, until after he had made a campaign speech to the contrary, that there was a duty on anthracite coal. The Secretary of the Navy also announced in a public speech that anthracite was on the free list. The Dingley bill reads at first blush as if anthracite coal were free, but it bore until the other day a duty of 67 cents. It reads at first blush as if kerosene oil, out of which the great Standard Oil Company has been formed into almost a monopoly, were also upon the free list.

But I know it is not, and the gentleman from Connecticut knows that it is not. The Dingley bill, on the contrary, imposes practically a very high protective tariff upon oil, because it says that it shall be free, except when coming from countries which levy a duty upon oil imported to their shores; and about the only country in the world that makes oil for export, except the United States, is Russia, and it imposes an abnormally high import duty upon oil, and therefore we levy in return an abnormally high import duty upon the only sort of oil we can import.

Binder's twine has the same kind of a provision in the Dingley bill, so that it could not be said to be altogether upon the free list.

Now, I am going to take some figures which I am going to select for exactly the opposite purpose, and perhaps the two exhibits taken together may answer one another. I want to take the very sheet from which my friend from Connecticut read. I turn to wire nails. I find here, first, that the gentleman's quotations of prices is literally correct; but the gentleman will excuse me for reminding him that he took as a starting point the high mid-July price of 1896, when nails were at an abnormally high price, and before the formation of the trust which the gentleman argues could not have controlled the prices.

Now, then, everybody knows that a trust starts off by lowering prices in order to drive competitors out of business, and after this trust was in control it lowered its prices for two years, until it had almost a monopoly of the American market, and after that the price increased regularly up to 1902, as these figures quoted by the gentleman show. Now, then, if the gentleman, instead of starting with the year before the Dingley tariff bill was brought in, will start with the year upon which that bill went into operation and had its effect, he will find a steady increase in the price of these wire nails. So his argument against the power of trust and tariff artificially to raise prices falls to the ground.

But, talking about the products of the steel trust, let us refer to some more of these articles: Anvils, Peter Wright's, 1897, $0.1025; 1902, ibid. Angles, per 100 pounds at tide, 1897, $1.20; 1902, $3.75. Axes, first quality and best brand, 1897, $5.25; 1902, $7; other brands quoted from Hardware, 1897, $4.75, but in 1902, $6.50. Barbed wire, galvanized, 1897, $1.90; 1902, $3.10. Chains, 1897, $6.60; 1902, $8. Pig iron, 1897, $10; 1902, $14.65. Pig iron, Foundry No. 1, 1897, $12.75; 1902, $16.75. Steel rails, 1897, $25; 1902, $28. Steel billets at Pittsburg, 1897, $15.90; 1902, $27.50. Steel beams at tidewater, 1897, $1.70; 1902, $1.75. Steel bars at tidewater, 1897, $1.05; 1902, $1.70. Shovels, Ames No. 2, 1897, $7.93; 1902, $9.12. Tin plates, 1897, $3.50, and in 1902, $4.19. All these are subject to the prices dictated by the present steel trust.

Then I come to barbed wire, which the farmer must use all the time, which has risen from $2.02 in 1896 and $1.90 in 1897 to $3.10 in 1902, over 50 per cent.

I might add, controlled by other combines:

Boots, per dozen, in 1897, $16; in 1901, $18; and sold cheaper abroad.

White pine boards, at Buffalo, in 1897, sold at $16; in 1902, at $25.

I might add indefinitely, in nine cases out of ten supporting my contention and disappointing the wish—father to the conclusion—of the gentleman from Connecticut [Mr. HILL], other articles of iron and steel.

To show that it is the tariff and trust price and not the natural and normal price of these tariff-protected and trust-monopolized goods which has risen, every article—plows and harvesters and reapers and cotton gins and cotton-mill machinery—all virtually in the same category—are sold nearly at the 1897 price abroad and at the enhanced price at home.

Now, as to anthracite coal. Like the gentleman, I will not come down to the price at this time, because, to take the last price would not, I think, be dealing fairly with this question. But the price rose during the entire period—even excepting last year——

Mr. HILL. I stated distinctly that in making the average I excluded anthracite coal, because I did not think it fair to include it, and that if I had put it in it would have made the advance on free-list articles 74 per cent instead of 26 per cent.

Mr. WILLIAMS of Mississippi. But I said a moment ago that, like the gentleman from Connecticut [Mr. HILL], I would not include it, because it was not upon the free list and because its inclusion would have proved the opposite of what he said it would have proved if he had included it. That is the difference.

Now, let us take the subject of horse nails. I hear a great deal, Mr. Chairman, now and then about "protecting American labor" and how "American labor" is "protected" by a tariff—all folderol on both sides, as every informed man knows. Take a blacksmith, for example, or take a bricklayer. How in the name of common sense does the American tariff make the wages of a blacksmith or bricklayer larger than the wages of men in similar pursuits in Europe? And yet they are greater.

I will tell you the only way in the world in which the tariff affects the American blacksmith. It makes him pay about 40 per cent, I believe it is, more for his nails than the same American company, making the same nails, sells them for to his British cousin in London and in the other towns of Great Britain and upon the continent of Europe. Horse nails went up in price during the Dingley tariff period from 0.09 to 1.05 cents. Steel rails went up from $25 to $28, beginning with 1897, after the Dingley Act went into operation.

Mr. HILL. Is the gentleman not mistaken? Steel rails remained at $28 straight through, according to Democratic authority.

Mr. WILLIAMS of Mississippi. Oh, they did not.

Mr. HILL. As I remember. I have not the figures.

Mr. WILLIAMS of Mississippi. The gentleman is again mistaken. In 1896 steel rails were, it is true, $28.

Mr. HILL. What were they in 1902?

Mr. WILLIAMS of Mississippi. Let me continue. When the trusts had taken hold of them, they drove down the price of rails to shut out competitors, but steel rails rose from $18 in 1898 to $28 in 1902.

Mr. HILL. Just exactly what they were in 1896.

Mr. WILLIAMS of Mississippi. Yes.

Mr. HILL. And are to-day the same price.

Mr. WILLIAMS of Mississippi. Yes; but they ought to be very much below that.

Mr. HILL. Will the gentleman explain the effect on steel rails of the tariff or the trusts?

Mr. WILLIAMS of Mississippi. I am going to prove to the gentleman that they ought to be down where they were in 1897, viz, $25, when the tariff began to have effect, or in 1898, viz, $18 when the trusts began to have effect. I have here the testimony of President Charles M. Schwab. He admitted to the Industrial

Commission last May that in May, 1901, steel rails were exported at an average price of about $23 a ton, when the domestic price was $26 and $28, a difference of from $3 to $4, and the foreign price now being the American price of 1897 and less by $3.

Now, Mr. Chairman, it frequently happens that the tendency of a law is counteracted by the general trend of events. It frequently happens that although the trend and tendency of a protective tariff law are to enable a manufacturer to charge more to the consumer than he otherwise could, the real effect from other cause is that his prices are driven down somewhat, but that he is still enabled to get more than he could have gotten if the tariff law were not in operation.

Whenever a man is able to pay freight 3,000 miles across the Atlantic and still sell rails there at $23 and $24, that is a proof that that is the normal price for steel rails, plus freight, unless you take the position that the manufacturer sells rails at a loss. But they have been doing this, according to Mr. Schwab's testimony, not upon one particular occasion to get rid of a surplus, but for six years, and men do not carry on that sort of movement for that length of time simply to amuse themselves.

Mr. Chairman, a tariff law that fails to raise prices has failed of the purpose of the law. A trust that fails to raise prices or else to lower the wages of labor, one of the two, has failed of the purpose of the organization of a trust. A trust is formed not for a philanthropic purpose, not for the amusement of the various corporations that enter into it, but for the plain business reason of making money.

Now, there are only these methods in which an aggregation of corporations can make more money in the production of a given commodity than one of the corporations by itself could have made; they must make it by getting their wages for less, or by employing fewer laborers, by being able to present a consolidated front to the demands of labor when labor wants increased wages, or else by their power to decrease wages. That is one way. Another way is to control the price of the raw material, which must sell in an approximately monopolized market. A third way is to raise the price to the consumer by artificial means higher than the natural and normal demand and supply price in the market, and therefore take in more money.

Now, there is no other way under the sun, except to raise prices, reduce the price of labor or reduce the volume of labor, or control the price of raw material in an approximately monopolized market. Sometimes they merely decrease the volume of labor. How? Why, there is a factory in the town of my friend from Connecticut [Mr. HILL], there is another in the town of my friend from Virginia, and there is another in the town of my friend from Georgia, one man carrying on each business in the same line.

The trust is then formed. They close down the Georgia and the Connecticut plant and keep them idle, throwing out of work all the locally employed people, and continue their work with an increased volume of business and a decreased aggregate of labor at the other two plants. In this event, the consolidation makes money by decreasing the number of employees and plants. In the other cases supposed the process is self-evident. Now, unless a man takes the absolutely insane position that these great combinations of corporations are made for philanthropy or for fun, or just for pastime, he must admit that they are formed to make money, and he must admit that they can not make money in any other than in one of the ways that I have indicated. They must do one of those things or else they must fail of their purpose. If so, all trusts must be bad trusts, and there can be no "good trusts." Their purposes are bad, and contrary to sound public policy. Now and then one, of course, fails of its purpose.

But what I want to get at to-day is this: It seems to me that my friends upon the Republican side are shifting too much. They used to tell us long ago that the object of a protective tariff—I used to express it by saying that the object of a protective tariff was a sort of eleemosynary object to tax the great body of the consumers in order that more prosperity might be given to American manufacturers in order to hothouse into immediate and artificial prosperity certain industries at the expense of the general consumer, diverting American capital from naturally unprofitable channels to channels made profitable by legislation and with capital, its attendant, labor; but our Republican friends used to answer that by saying, "This is but a slight tax. The people ought to be philanthropic and patriotic and 'national' enough to enable America to have her own manufactures, and in order to do it the American manufacturer ought to be put in possession of the home market."

Now, during the last campaign they told us that the American manufacturer was already in possession of the home market and that he was marching on "conquering and to conquer." Then when we said, "Then you have accomplished your object," they said, "Oh, no; we want now to tax the American consumer in order to put the manufacturer in possession of the foreign market, to fix it so that while he perhaps levies a higher price within his protected field upon the American consumer he may sell a great volume of goods at a living rate to the foreigner, and thereby gradually take possession of and conquer 'the markets of the world.'"

Now, what I want my Republican friends on the other side of this aisle to do is this: I want them to line themselves up on some sort of a theory, either the old Henry Clay theory of "protecting infant industries;" and then we will object to these gray-haired, brawny-armed fellows who not only own everything around them, but are selling to South Africa and to Great Britain herself.

They must either take that position or they must take the philanthropic and patriotic pretense position that the balance of the community can "well afford" to tax itself "a little" in order that "America may support her own manufactures," or they must take the "Vanderlip theory," that we are going to keep up the protective tariff "in order to conquer the foreign field," or they must take the "Hill theory," that things upon the free list advance more rapidly in price than things upon the protected list, and therefore furnish more money out of which to pay American labor. I do not care which you take, but take one or take the other. [Applause on the Democratic side.] Why, even a Democrat can not shoot in more than one direction at the same time. [Laughter.]

Mr. WM. ALDEN SMITH. And then he can not hit anything.

Mr. WILLIAMS of Mississippi. And then he likes to know where his enemy is, so as to know if he has anything to shoot at. Now, my friend from Connecticut [Mr. HILL] would be the last man in the world to contend that a comparison between goods on the free list on one side and goods upon the protected list upon the other side can be arrived at in any other way than by taking the entire volume of one and the entire volume of the other and then taking the average price upon each during a period of some considerable time. I do not care where it is, gentlemen, but wherever there is an article upon the free list a trust approximating a monopoly in that article can not be formed, except in so far as the company may be protected by international freight rates. It can not be formed.

Gentlemen say that there are trusts in Great Britain. If they mean by that that there are combinations of capital and aggregations of corporations, yes, of course, as there are everywhere, but there has never been formed the thing that we are fighting. "The thing we call a rose by any other name would smell as sweet." We know what we are fighting. We are fighting these great aggregations of corporate power which succeed in monopolizing or so nearly monopolizing the production of a given article as to be able practically to fix their own price upon it, or else practically to buy at their own price the raw material of the American farmer, or else control by shut-downs the labor employed—one of those three things.

Now, it would be impossible under the natural law to form a world aggregation of capital, I do not care how much or powerfully extended, that could practically control world prices, or that could practically dictate prices of world raw material; because the moment you attempt to form one in a free-trade country based on the control of raw material, England, for example, the great leviathans of the deep would plow the broad Atlantic laden with raw materials from America, laden with raw materials from the Baltic, Germany, and the balance of the world. And if a trust attempted to make its prices higher than the natural and normal prices fixed by God's law of supply and demand throughout the world, then the same great leviathans of the deep would bring the finished product in every succeeding day to tear down prices, and that little scheme would "die a-borning."

Mr. SIBLEY. Will the gentleman from Mississippi yield to an interruption?

Mr. WILLIAMS of Mississippi. Certainly.

Mr. SIBLEY. I read from page 277 of the Democratic campaign book what it says on the theory of free trade:

> The theory of free trade is that both seller and buyer are benefited by an exchange of commodities, and that, as all are consumers, the greatest good to the greatest number requires that there be no barriers to trade in order that goods may be as cheap as possible and the cost of living be reduced to a minimum.

I would like to know if the gentleman subscribes to that theory?

Mr. WILLIAMS of Mississippi. I understand the question, or the result at which the gentleman would arrive. Now, I am free to admit that one Republican contention is true. You can build up an industry by a protective tariff [applause on the Republican side] if you are willing to have the public pay the price. That is what you want to arrive at, is it not?

Mr. SIBLEY. Just one word more. I want to ask the gentleman this other question. Did not you and myself and Mr. Bryan go through these United States, from one ocean to the other,

advocating free silver because we said it would raise the price of every product that human toil created, and that that was necessary to stop the stagnation and paralysis that existed at that time? Now, then, you admit that free trade lowers prices; then we were demanding free silver to raise prices.

Mr. WILLIAMS of Mississippi. The gentleman is now taking that old cardinal fallacy that Adam Smith disposed of long, long years ago, and which has been out of existence since then except in the *minds of men* making a political argument. There is no blessing or curse in low or high prices per se. It depends upon what produces the high prices and what produces the low prices. A decreasing price brought about by improved methods of production, by cheapened processes—new inventions, for example—is always a blessing to humanity; decreased prices brought about by artificial legislative means enhancing the value of money are always a curse to humanity. [Applause on the Democratic side.]

Increased prices brought about by levying a toll upon products is always a curse to humanity. [Renewed applause.] A tariff levies a toll. Low prices brought about by the invention of new labor-saving machinery and increased lines of transportation and transportation facilities, thereby cheapening the tax upon the product from the producer to the consumer, is always a blessing to humanity. [Applause.] Now, I do not know what the gentleman said in the campaign referred to. I know I did not say what he suggests. I believe the gentleman has about as good sense as I have, and I do not believe that the gentleman ever went from the Atlantic to the Pacific or the Lakes to the Gulf preaching the bare, bald doctrine that enhancement of price, in itself, was a blessing to the world.

Mr. SIBLEY. I would ask the gentleman if 8.71 for cotton is not a blessing, and if this price and that wider market for the uses of it are not largely responsible for the condition that now exists in the sunny Southland. Instead of the 4.71 under the free-trade bill, you are getting 8.71 for your cotton now.

Mr. WILLIAMS of Mississippi. Yes; and we got 4 cents under the McKinley bill. Mr. Chairman, I am absolutely astonished at my friend from Pennsylvania. If there is any circumstance in all the world that shows what American brawn and American combination and American brain can do unassisted by government, it is the success of cotton culture in the South. There never has been a day in the history of the South that 1 per cent of the enhancement of the price of cotton came from a tariff. All that the tariff ever had to do with the cotton planter and the laborer in the cotton field was to increase the price either had to pay for plows, scrapers, shovels, axes, hoes, barbed wire, harness, gearing, gins, cleaners, and cotton-oil mill machinery.

We have sold our cotton in Liverpool, we have sold it in competition with the so-called pauper labor of India that works at one-tenth of what our labor works for, we have sold it against the pauper labor that shelters itself under the shadow of the pyramids, under English organizations and capitalization, and we have held our own in all and every country.

Mr. Chairman, the protective tariff has made the difference between American wages and British wages, has it? If so, why was it that American wages in colonial times, when we were a part of Great Britain and when every law was in favor of Great Britain against ourselves and in favor of every English manufacturer and farmer against ourselves, that the wages of the American mechanic, the wages of the American woodmen, the wages of the American worker of every sort in the farm and in the field and in the mines were greater than they were in Great Britain? Why is it that the difference between the two scales of wages was greater then than it is now?

Let me ask another question. Why is it that the wages in highly protected continental countries like Austria, France, and Germany are less than they are in Great Britain with free trade? Do you expect by that that I intend to leave the impression that it is because of the protective tariff? No; I try to preserve my intellectual integrity at every hazard. It does not prove that free trade makes higher wages; it does not mean that protective tariff produces higher wages. I will tell you what it proves. It proves that neither one of them has anything to do with it. What does make high wages? God's eternal law of supply and demand. As Bourke Cockran said, "When two jobs are hunting one man, wages are high; when two men are hunting one job, wages are low."

There is something else, however, Mr. Chairman, if I have got the time to tell about it, and that has something to do with wages, because when I make the statement that the demand for labor and supply of labor fixes the price of labor, then you ask me why is it under this eternal law the wages for Americans are higher than in Great Britain and that the wages in Great Britain are higher than they are in Prussia and Austria and France. Why is it that the demand for labor should be brisker here and in Great Britain after us, next to the colonies of Great Britain, than in other countries? I tell you it is because the supply of labor is less. It is less in Great Britain than in the other settled countries except ourselves. I am leaving out of consideration the British colonies.

Why is it the supply of labor in the shop and in the factory and in the mine is less in proportion with us, and after us in Great Britain, than the supply of labor anywhere else on the globe? In order to answer we have got to get back to that old principle enunciated by Ricardo and indorsed by that great democratic man, that great prescient genius whom I admire more every day that I live, Thomas Jefferson [applause on the Democratic side], that, everything else being equal, wages will be high where land is cheap and wages will be low in that country where land is high. Why? Because of the natural law of preference that man goes to agricultural pursuits when he cheaply and profitably can.

Mr. SIBLEY. Will the gentleman allow me an interruption?

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Pennsylvania?

Mr. WILLIAMS of Mississippi. I will yield.

Mr. SIBLEY. The gentleman has mentioned the name of that great statesman, Thomas Jefferson. I want to ask him if Jefferson, about 1814, if I recollect right, did not write a letter recanting all his former free-trade theories and say that new conditions had arisen which led him to modify his opinions on that subject which he had theretofore expressed?

Mr. WILLIAMS of Mississippi. I do not think he ever did. I never heard of his suffering from temporary insanity in his life; I do not think it ever occurred. I think the gentleman is mistaken. [Laughter.]

Mr. BOUTELL. Mr. Chairman, will the gentleman from Mississippi allow me a suggestion?

Mr. WILLIAMS of Mississippi. I will.

Mr. BOUTELL. Right in that connection, with the gentleman's admiration for the opinion of Thomas Jefferson and in connection with his interest in the welfare of the laboring man and the interest of the Democratic party in the welfare of the American workman, will the gentleman allow me to call his attention to a letter of Thomas Jefferson to the Hon. John Jay, written August 28, 1785, and courteously marked "Private." It reminds me of the communications of this distinguished gentleman on the subject of the annexation of Louisiana when it was all to be used sub silentio. In speaking of his desire to keep the country an agricultural country, which seems to be the desire of my Democratic brethren ever since——

Mr. WILLIAMS of Mississippi. Oh, no; not when by natural evolution and without the assistance of laws artificially hothousing other industries, it becomes otherwise.

Mr. BOUTELL (reading):

> Our citizens will find employment in this line (agriculture) till their numbers, and of course their productions, become too great for the demand, both internal and foreign. This is not the case as yet, and probably will not be for a considerable time. As soon as it is the surplus of hands must be turned to something else. I should then perhaps wish to turn them to the sea in preference to manufactures because, comparing the characters of the two classes, I find the former the most valuable citizen.

Now, here is the opinion of the founder of the Democratic party on the subject of the American workman and the American mechanic—an opinion which the gentleman from Mississippi says he has followed in his admiration for this great man:

> I consider the class of artificers as the panders of vice and the instruments by which the liberties of a country are generally overturned.

[Applause on the Republican side.]

Mr. WILLIAMS of Mississippi. Mr. Chairman, Homer said that Jove himself sometimes nodded. Pope says:

> Be Homer's works your study and delight.
> Read them by day and meditate by night.

And yet we are told Homer did himself sometimes nod. [Applause.] That reminds me of another great man who has nodded—a man of a strenuous life, who said that he regarded the cowboy as an infinitely higher specimen of humanity than the man working patiently at his plow or at his anvil supporting a wife and raising children for the Republic. [Applause.] From the way you Republicans are at present fighting organized labor I think you perhaps want me to agree in a great man's temporary aberration of expression. But that has nothing to do with this question. I am trying to discuss a proposition on which I indorsed Mr. Jefferson's opinion, whose character and whose general opinions I also indorse.

I do not know which is the highest class of people on the surface of the earth, although I have a sort of class feeling that God's own creatures are the men who are closest to the ground, and that men generally, like the giant Antæus, gather strength—moral, mental, and physical—from contact with mother earth. I believe that agriculture in its happy condition, is the noblest, purest, healthiest, and highest pursuit of man. [Applause.] But I do not believe that artificers, or merchants, or preachers, or

anybody else are any worse than they can help being. [Laughter and applause.]

Now, let me go on with this theory about land and wages.

Mr. LOUD. I will remind the gentleman that in three minutes the Committee of the Whole must rise, in order that the House may take up the special order fixed for 3 o'clock. I suggest that the gentleman can conclude his remarks at some other time.

Mr. WILLIAMS of Mississippi. I think I can finish this line of remark in three minutes; at any rate, I will try. If I do not, I will shove into the RECORD my favorite plan for starting the banana industry in this country. I want to show how, by levying a duty of a dollar apiece on bananas, every man can get a home-produced banana at 90 cents' cost, and this, too, without raising the price of labor employed in raising bananas, while promoting the prosperity of the persons whose capital may be employed in raising the bananas in hothouses. [Laughter.]

Now, let me go on. If you take a country where land is cheap to buy or to rent, men are going into agriculture, as far as they can, because it is the most enticing, natural, normal, healthy, primitive, and attractive life; and the men who are enticed out of agriculture—who are engaged in the mine or the factory—will have to be paid higher prices. If you take a country where land can be rented for $1 an acre and bought for $5 or $6 or $15 or $50 an acre, the men who are even already operatives, working in factories, can better withstand the demand of the manufacturer than in lands where land sells at $500 or $1,000, and the manufacturer can better afford to raise wages, even to the artificer, rather than to shut down.

Even when the artificial period of organized labor has come, if the manufacturer or the mine owner wants the man working in the mine to receive less than he ought to receive, the laborer can respond, if land and rents are low, "No; I can go and buy for a very small amount of money a few acres sufficient for a home; or if I can not buy the land, I can rent it;" and down in the good State of Mississippi to-day he can say, "I can go to Mr. WILLIAMS, or some other planter, who will furnish me a mule on credit, and supply me with a place to put in a cotton and corn crop, a home to live in, a garden spot for vegetables, a cow lot, general plantation pasturage, all the wood I need for cooking and fuel, a wagon to haul it, my family supplies on a credit, team and implements and home and garden and fuel without charge, and all I will have to pay him will be one-half of the gross proceeds of the common venture of his land and capital and brain and my brawn and muscle and brain," and how can you oppress labor under such circumstances? How could either capital or organized labor oppress it? Two men are hunting one job with the "land vent," as Mark Smith aptly calls it, to help labor.

Now, why is it that Great Britain has, next to America, the highest wage scale? Because the British nation possesses, next to America, a larger body of fertile and cheap land than any other country upon the globe, and although those lands are in Australia, in Cape Colony, and in Canada, still it is true that there is hardly an Englishman who has not a cousin or a brother or a father or a son that has gone to the colonies. So that is just like moving from Connecticut to Ohio, or from Ohio to Mississippi—just like our interstate immigration movements.

As long as you can keep down the supply of labor in the factories and in the mines by keeping a safety-valve of escape toward the farm and the field, towards cheap land to buy or to rent—as long as you can maintain a "land vent," so long are you going to have high wages; and when you can not, when you have settled this country so densely that you can not do that, your wages will not possess the advantage that they do to-day, nor any advantage, except that proceeding from organized labor, in union, intelligently and firmly directed. Now, there is another reason. Wherever land is cheap to rent or buy, wherever men feel free and are filled with an incentive and with hope in their hearts, there they work better.

They do not work as though they were chained like slaves to the galley, to do a certain task to-day and then quit, merely to earn their wages, but each man was taught when he was a boy that he may be a millionaire some day, or the President of the United States, or a Congressman even. [Laughter.] So he works with hope in his heart, hope singing merrily and ambition spurring him like a good rider on a thoroughbred steed, and he is not like those in the class of labor found, for instance, in Austria, who know that all they can do is to get money enough to buy their food and raiment and a glass of beer or two after the day is over and have enough left to pay three kreutzers to sit in the park and listen to Strauss's band. [Applause.]

[Here the hammer fell.]

Mr. LOUD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker pro tempore [Mr. GROSVENOR] having resumed the chair, Mr. HEPBURN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 16990, the Post-Office appropriation bill, and had come to no resolution thereon.

REPRINT.

Mr. LOUD. Mr. Speaker, I ask unanimous consent that there may be a reprint of the bill H. R. 16990, the Post-Office appropriation bill.

The SPEAKER pro tempore. The gentleman from California asks unanimous consent that there be a reprint of the Post-Office appropriation bill. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. SCHIRM was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of David E. Kaller, Fifty-fifth Congress, no adverse report having been made thereon.

STATUES OF CHARLES CARROLL AND JOHN HANSON.

The SPEAKER pro tempore. The House is in session pursuant to the special order of the House, which the Clerk will read.

The Clerk read as follows:

On motion of Mr. PEARRE, by unanimous consent,

Resolved, That the exercises appropriate to the reception and acceptance from the State of Maryland of the statues of Charles Carroll of Carrollton and John Hanson, erected in the Statuary Hall, in the Capitol, be made the special order for Saturday, January, 31, 1903, at 3 o'clock p. m.—*Order made in the House Wednesday, December 17, 1902.*

Mr. PEARRE. Mr. Speaker, I ask that the letter of the governor of Maryland, which has been read heretofore in this House and laid upon the table, be taken from the table and read again.

The SPEAKER pro tempore. Without objection, the Clerk will report the letter.

The Clerk read as follows:

EXECUTIVE DEPARTMENT,
Annapolis, Md., December 15, 1902.

To the Senate and House of Representatives of the United States, Washington, D. C.

GENTLEMEN: I have the honor to inform you that in acceptance of the invitation contained in section 1814 of the Revised Statutes of the United States, the general assembly of Maryland, by chapter 311 of the Acts of 1898, made an appropriation to procure statues of Charles Carroll of Carrollton, one of the signers of the Declaration of Independence, and John Hanson, President of the Continental Congress of 1781 and 1782, to be placed in Statuary Hall, in the Capitol, at Washington, D. C.

By authority of the act of the general assembly of Maryland, the governor appointed John Lee Carroll, Douglas H. Thomas, Thomas J. Shryock, Fabian Franklin, and Richard K. Cross to constitute a commission to procure and have the statues erected.

I am informed by the commissioners that the statues were made by Mr. Richard E. Brooks, of Boston; that they are completed and have been placed in position, and are now ready to be presented to Congress.

As governor of the State of Maryland, therefore, I have the honor to present to the Government of the United States the statues of the distinguished statesmen named.

Very respectfully, JOHN WALTER SMITH,
Governor of Maryland.

Mr. PEARRE. Mr. Speaker, I submit the following resolutions, which I will send to the desk and ask to have read.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the thanks of Congress be presented to the State of Maryland for providing the bronze statues of Charles Carroll of Carrollton and John Hanson, citizens of Maryland, illustrious for their historic renown and distinguished civic services.

Resolved, That the statues be accepted and placed in the National Statuary Hall in the Capitol, and that a copy of these resolutions, duly authenticated, be transmitted to the governor of the State of Maryland.

Mr. PEARRE. Mr. Speaker, on the 2d day of July, 1864, the President approved an act of Congress inviting each of the States to present statues, not more than two in number, of deceased persons who had rendered such military or civic service as entitled them to commemoration as national figures in Statuary Hall in the National Capitol.

Maryland, hesitating lovingly among the multitude of her distinguished sons, Thomas Johnson, William Pinkney, William Smallwood, John Eager Howard, Samuel Chase, Otho Holland Williams, Luther Martin, Roger B. Taney, Reverdy Johnson, Henry Winter Davis, Francis Scott Key, and a score of others, has at last made her selection and has presented the two handsome bronze statues which have been added to the brilliant galaxy of statesmen and soldiers which surround the nation's Hall of Fame.

By an act of the general assembly of Maryland, approved in 1898, an appropriation was made and a commission appointed, consisting of Ex-Governor John Lee Carroll, Douglas H. Thomas, Thomas J. Shryock, Dr. Fabian Franklin, and Richard K. Cross, who were instructed to have designed and cast statues of Charles Carroll of Carrollton, one of the signers of the Declaration of Independence, and John Hanson, President of the United States in Congress assembled from 1781 to 1782.

The marked ability and artistic taste with which that commission has discharged its duty are attested by the excellence of these two statues, executed in bronze by Mr. Richard E. Brooks, of Boston, Mass.

To accept this gift of the old Commonwealth of Maryland to the Government and people of the United States, are we gathered here to-day under authority of a resolution of the House of Representatives, adopted on the 17th day of January, 1903.

The pleasant duty devolves upon me to speak to the exalted virtues of Charles Carroll of Carrollton. To form an adequate estimate of the character of a man who has gone before us, Mr. Speaker, we must try to view him in the light of his time and to measure him by the standard then existing. To secure the true likeness, we must paint the picture on the background of his environment while living, with the side lights and full lights of his surroundings, inquire how far he followed or disregarded precedents, and learn the extent to which his course, in crises, conformed to or violated the rules and tendencies of his education and station.

When America was discovered, it was said that the new land concealed a fountain whose perpetual waters had power to reanimate age and restore the strength of youth. The tradition was true, but the youth to be renewed was the youth of society: the life to bloom afresh was the life of the race; and this was to be accomplished by the revolution of the colonies, which was the consummation of freedom's struggle for nearly two centuries. The forces working toward it had their origin in the great mental revival of the Reformation in the sixteenth century. Man, after groping through the darkness of feudalism, had at last faintly seen the light. Free inquiry, freedom of thought in spiritual affairs, was soon followed by the desire for freedom of thought and action in the temporal order. The dignity of man's individuality had been clouded by his subserviency to superior power. In the old civilization of Europe, authority and power moved from the superior to the inferior. The Government esteemed itself invested by divine right with the power to furnish protection and demand submission.

But a new principle had taken possession of the heart of man. The right to apply the powers of his mind to any question, and to assert his individual judgment began to creep upon his intelligence.

Successive ages of struggle, successive lives, and deaths of heroes in the world of thought, had brought man to the idea of the freedom of the individual, and it was then but the work of time to carry him to the comprehension of the power that lies in the collective reason of the whole—to teach him to substitute the natural equality of man for the hereditary privilege of monarchs, to replace the irresponsible authority of a sovereign with a dependent government emanating from the harmonized opinions of equal individuals.

The spark of liberty that first glimmered in the breasts of the Anglos and Saxons in the forests of Germany kept smoldering through the centuries, now fanned into a flame by the tyranny of kings, until the Magna Charta is secured, again but a dying ember under the Tudors; now flashing fitfully in the petition and declaration of rights, and again lost sight of in foreign wars, often faint, but never dead; often hidden, but always glowing in the Anglo-Saxon breast until it burst into a blaze of beauteous glory in the Declaration of Independence, and its full effulgence rested on a free and united land.

The seventeenth century found Charles the First on the throne of England; headstrong but vacillating, arbitrary but weak, tyrannical and false, this monarch was little fitted to control the English people at a time when the leaven of liberty was working in the souls of his subjects. The divine right of kings was the political doctrine of the Stuarts; the divine right of the people was the political truth of the century.

Prerogative took the field in its stubborn contest with the popular will and never left it until the Declaration of Independence rang the death knell as well to the tyranny of kings as the tyranny of Parliaments.

In 1760 George the Third ascended the throne of England, and the tyranny of the seventeenth century, which was supposed to have died with Charles the First and the deposition of James the Second, was revived. The hand on the clock of time is turned back; civilization halts in its progress. His whole policy was bent upon the subjugation of the colonies to raise revenue, as Charles the First had done. He undertook to tax the colonies without their consent, and the stamp act was passed through Parliament with scarcely a division.

Then began the great struggle for representative government against the arbitrary power of one man.

Two great waves broke in fury over Great Britain and her colonies in America. The one ancient, the power of monarchy, rolling with all the accumulated strength of centuries; the other modern, the united will of the people, agitated by the tumultuous swellings of a popular spirit, increased by the coming flood of a newer and more modern enlightenment, rolled on in its overwhelming and resistless course.

The nobility of England had forgotten the revolution of 1688 and the lessons it had taught. The King had forgotten the lesson of the death of Charles the First, and the power to tax the colonies internally without their consent in the face of the Magna Charta, the declaration of rights, the charters of the colonies, and the determined will of the people was not only asserted as a financial necessity but maintained as a political right.

This was the England to which Charles Carroll of Carrollton went in 1757, when he entered the Temple at London to study law at the age of 20, after having spent the prior period of his life from 8 years of age at St. Omers, Rheims, and Paris, in France, the home of absolute monarchy.

Such was the situation of the province of Maryland and its relation to the mother country when, in 1764, a refined and cultured aristocrat, the pampered son of a father who was the protégé of Cæcilius Calvert, and bound to the Stuarts by every tie of social contact and royal beneficence, he landed at Annapolis on the 14th of February, at the age of 27, a disfranchised citizen by reason of his faith. Charles Carroll of Carrollton was of almost royal ancestry, being descended from the princely family of the Carrolls of Ely O'Carroll, Kings County, Ireland.

He was an aristocrat by birth, breeding, education, and association. His every hereditary connection and tendency was monarchical. He did not spring from the free gentry of Great Britain, nor from the masses who, during the century of his birth, were struggling for the recognition of the inherent rights of free manhood, but from the ruling classes, who, attached to the absolute monarchy of their time, were fighting to delay, aye, to prevent, this recognition. His paternal grandfather, Charles Carroll, after his admission to the bar, became the secretary of Lord Powis, one of the ministers of James the Second, who bespoke for him the favor of Cæcilius Calvert, the first Lord Baltimore, with whose commission of attorney-general of the province he came to Maryland in 1688.

By Lord Baltimore he was endowed with large landed estates, which made him and his descendants the wealthiest residents of the province, and he was ever attached to the service of the proprietary, the grant of the King.

His father, Charles Carroll the second, if I may so call him, was also connected with the proprietary by every tie, and had that pride of ancestry characteristic of caste and class, invariably binding such men to the existing order and opposing them to changes in government.

In 1761 we find him writing to his son, Charles Carroll of Carrollton, then a student abroad, to trace back his Irish ancestry to the year 1500, in these words:

> I find by history as well as by genealogy that the country of Ely O'Carroll and Dirguill, which comprehended most of King's and Queen's counties, were the territories of the O'Carrolls, and that they were princes thereof. You may, as things are now circumstanced, and considering the low estate to which all the branches of our family are reduced by the struggles the ancient Irish maintained for the support of their religion, rights, and properties, and which received their finishing stroke at the Revolution, think my inquiry an idle one, but I do not think so. If I am not right, the folly may be excused by its being a general one, and I hope for your own and my sake you will gratify me by making as careful an inquiry as possible and giving me what light you can on the subject. As soon as there is peace I will send you the genealogy, in Irish and English, and I desire you will get our family in particular traced to its origin.

Thus descended, thus reared, thus associated, every factor of his environment should have molded the youthful mind of Charles Carroll of Carrollton in the rut of the past and ordained him as a defender of the tyranny of kings against the rights of the people.

Notwithstanding a previous effort of his father to have him sell his estates in Maryland and expatriate himself, he returned to America in 1765 a finished scholar and an accomplished gentleman and took possession of his large estates in Maryland, part of which was called "Carrollton," by which he afterwards distinguished himself from his relative, Charles Carroll, barrister, of Annapolis. With wealth to indulge every whim, with refined literary taste and ability to engage his thought, with friends to amuse him, and barred from public life and politics by his religion, there was nothing to draw him into the vortex of the controversy over human rights by which he soon found himself surrounded save the inherent sense of justice and of right which shaped his whole life. The profits of his profession offered no temptation; the emoluments of office could not allure the richest man in the province. He could hope to gain no concessions from the Provincial Government in espousing its cause; no place of prominence and power at the hands of the people for defending their rights, for both were Protestant. He was a Catholic, disqualified by reason of his faith from voting or holding office in the "Land of the Sanctuary."

The loss of his fixed and substantial wealth stood as a constant

warning to him not to be active in any of the many controversies arising in this new country and age, and pointed to indifference and neutrality as the course which an enlightened selfishness should pursue.

Association, friendship, love of home and neighbor, did not combine to turn him to the cause of his countrymen, for he had spent his whole life from childhood to mature manhood in the schools of absolutism in France, and had formed his friendships among those classes in both England and France which were not only wedded to the forms and practices of tyranny, but were in many instances a part of the government which oppressed.

No man in all the colonies was more encircled by conditions that would have predisposed him to the royal cause, or at least to diplomatic inactivity, than Charles Carroll of Carrollton.

Reason, experience, and indeed posterity would have condoned such a course, and nothing but an enlightened mind, a loyal and a brave heart, could have so completely divorced him from all the precedents of his life. The ordinary man is largely the creature of circumstances. He usually follows the crowd.

To accept the conditions in which a man finds himself, to agree with his neighbor, make no great draft on either moral or physical courage. To break the bond of one's surroundings, to sever old friendships and associations, to disagree with one's neighbor, aye, to fight and kill him, to risk life, property, all, in crisises which involve all, demands that lofty moral courage, that intelligent self-containment, that complete unselfishness, that has in all ages distinguished the great man from the small.

What did this young Irishman find when in 1764, at 27 years of age, he set foot upon the soil of Maryland and took possession of his large estate? He found a fair land, dedicated to religious freedom, welcoming him as a citizen, but for his faith depriving him of a citizen's dearest rights; a province whose royal charter guaranteed its citizens all the ancient rights of Englishmen and protected them, in terms, from taxation by any but their own representative; a colony sacred to man's most modern rights trembling with the prospect of the stamp act, finally imposed on the 22d day of March, 1765.

He found the proprietary government, the government of which his fathers had been a part, the government of the benefactors of his family, bent upon imposing taxes upon the people in the shape of fees of public officers and tithes to the Episcopal clergy by proclamation of the governor, without the consent of the people through their representatives. The stamp act would have cost him but little, the fees to public officers and tithes to the clergy would not have embarrassed him seriously, in his great wealth. He could have paid them, but in each of these controversies he saw a principle embodied, the sacred principle that the people alone have the right to tax themselves. He saw that this question must be settled then, there, for him, for his fellow-citizens, for humanity, for posterity.

No hesitation marked his course. Throwing aside every association of his early life, risking his vast property, manfully overcoming every predilection arising from his ancestry, birth, and education, he cast his lot with the people. No public act or utterance marks his attitude toward this historic piece of tyranny, for he could not vote or hold office; but that his heart was the patriot's heart appears in a letter to his friend Edmund Jennings, of London, in which he says:

> Should the stamp act be enforced by tyrannical soldiery, our property, our liberty, our very existence is at an end. And you may be persuaded that nothing but an armed force can execute this worst of laws. Can England, surrounded with powerful enemies, distracted with intestine factions, encumbered and almost staggering under the immense load of debt, little short of £150,000,000, send out such a powerful army to deprive their fellow-subjects of their rights and liberties?
>
> If ministerial influence and parliamentary corruption should not blush at such a detestable scheme; if Parliament, blind to their own interest and forgetting that they are the guardians of sacred liberty and of our happy constitution, should have the impudence to avow this open infraction of both, will England, her commerce annihilated by the oppression of America, be able to maintain these troops? Reflect on the immense ocean that divides this fruitful country from the island whose power, as its territory is circumscribed, has already arrived at its zenith, while the power of this continent is growing daily and in time will be as unbounded as our dominions are extensive. The rapid increase in manufactures surpasses the expectation of the most sanguine American. Even the arts and sciences commence to flourish, and in these, as in arms, the day, I hope, will come when America will be superior to all the world.

Prophetic hope, uttered at the dawn of the nation's darkest day, resplendently realized at the dawn of a new century, on a day when we commemorate the virtues of the patriot whom it inspired!

In his opposition to the next step of government, to assume the rights of the people Charles Carroll left his retirement and stepped into public gaze as the avowed champion of the people. Public officers in Maryland had always been paid by fees fixed by the assembly. The law fixing those fees and the tithes which the Episcopal clergy of the Established Church were allowed to collect had expired by its own limitation. The house of burgesses and the council failed to agree on a new law, and Governor Eden prorogued the assembly and by executive proclamation fixed the fees and tithes himself.

This action of the governor aroused more indignation in the province, if possible, than the stamp act, which was soon repealed. In his opposition to this proclamation he perhaps shone brightest in all his long advocacy of the people's rights against the aggressions of arbitrary power.

In a series of published letters, replete with erudition, in classic style and poignant satire, Charles Carroll again espoused the people's cause, and, on the broad ground that these fees and tithes were nothing short of taxes on the people, and as such could only be imposed upon them by their consent, through their duly elected representatives, he arraigned the governor and his secretary of state, the gifted Daniel Dulaney, in dialogues between the First and Second Citizen, and which were the philippics of the age.

During this written debate he was taunted as "Jesuit," "anti-Christ," a "man without a country;" and yet his devotion to the people's cause rose supreme over every insult, over all injustice, and inspired him with an eloquence of diction and a forcefulness of statement which put to rout the great Daniel Dulany, the peer of any lawyer of his time in England or America.

The broad liberality of his mind and soul, his devotion to civil and religious freedom, appear in this controversy, when in referring to the English Revolution he says:

> That the national religion was in danger under James the Second from his bigotry and despotic temper, the dispensing power assumed by him and every other part of his conduct clearly evince. The nation had a right to resist and so secure its civil and religious liberties. I am as averse to having a religion crammed down people's throats as a proclamation.

This was the reply of a Catholic in a time of intense feeling between religious sects, which had gone to the length of bloody wars, in a controversy in which the deprivation of his rights by reason of his religion furnished the taunt to this adversary, and characterizes a mind as broad and a soul as lofty as the spirit of religious toleration in which Maryland alone of all the colonies first reared an altar.

Meanwhile events hurried on in rapid succession. England bent upon the subjugation of the colonies, deprived them of one ancient right after another—the duty on tea, the Boston port bill, the appointment of the judiciary by the Crown, the navigation acts, were all laid with ruthless hand upon the weak but determined colonists. The people remonstrated, petitioned, prayed. At last when petition availed not, when remonstrance seemed vain, when patience had ceased to be a virtue, and moderation had failed, the people of the colonies, characterized as well by their loyalty and obedience, as by their love of law and hatred of tyranny, rebelled against the systematic oppressions of George the Third.

The immortal Otis inspired Massachusetts by his magnificent patriotism and proposed a congress of the colonies. "Join or die" echoed from the green hills of New Hampshire to the shores of the Savannah. Virginia, under Patrick Henry, South Carolina, under Christopher Gadsen, and Maryland, with a spontaneous outburst of patriotism led by Charles Carroll and Thomas Johnson, approved the suggestion, and each of the colonies, catching up the music of union, joined with heavenly harmony in the glorious anthem of a new nation. In all this struggle the province of Maryland was foremost, most unselfish.

To prove this must we be reminded that the Frederick County court first had the courage, eleven years before the Declaration of Independence, to declare the stamp act unconstitutional; that before a hostile foot had pressed her soil the sons of Maryland flew to arms at the trumpet call of Massachusetts oppressions, not to defend their own homes, not to protect their own families, but to assist a sister colony in maintaining with their blood the principles of free government?

Must we again be told that the old Maryland Line was first to drive the serried ranks of England from the heights of Harlem at the point of the bayonet, and that they bore the brunt of almost every fight thenceforth to Valley Forge? Must the generous haste with which her sons responded to the call of the conquered Carolinas be recounted, and how, from Camden to Eutaw Springs, through Guilford Court-House, Hobkirks Hill, and Cowpens, with a determined courage born of patriotic conviction, with an impetuous valor inspired by its responsibility to the future of mankind, the Maryland Line, the tenth legion of Green's army, the old guard of the Continental forces, dashed with Morgan through the veterans of the daring Tarleton and with Howard through the Irish Buffs of the gallant Webster, and drove them, at the point of the bayonet, in panic from the field?

No hated stamp ever polluted the soil of Maryland. Her citizens in daylight, not disguised as Indians, met the ship *The Good Intent*, laden with dutiable articles, at the harbor of Annapolis four years before the destruction of the tea in Boston Harbor, of which our infant lips are taught to prattle, and compelled her to put back to England with her unwelcome cargo, and within six

months after the destruction of the tea at Boston Harbor, assembled without disguise and compelled the owner of the *Peggy Stewart*, with a cargo of tea, to set fire to and burn her to the water's edge.

Out of a population of about 250,000 souls she furnished to the Continental Armies 5,000 militia and 15,000 regulars, 400 of whom, at the battle of Long Island, withstood six attacks of a full brigade of English veterans, covered the retreat of the Continental Army, saved it from destruction and the Revolution from collapse, leaving 260 of their number on the field.

Mr. Speaker, in paying tribute to one of Maryland's greatest sons I may be pardoned for this partial digression, which so naturally thrusts itself upon one's attention in reviewing the history of the time written by Northern men, who by some inadvertence seem to have overlooked the leading part the colony played in the war for human rights. In all of this, of all of this, was Charles Carroll of Carrollton, not as a soldier, but as an organizer and maturer of provisional and permanent government in the province and the nation.

While I am aware, sir, that military deeds and fame are more dazzling and lasting in men's minds than the less dramatic life of a civil officer during war, yet it is apparent that as great ability, heroism, and patriotism is needed and may be displayed in civil office in such crises as on the tented field. The army is the executive arm of a people in such a time, while behind the glamour, the martial pomp and glory of all successful wars lies the patient, painstaking, plodding statesman, reconciling differences, quieting passion, abating jealousies, re-forming government out of the broken pieces of a former structure, recruiting armies, providing financial system, guarding foreign relations, and raising revenue, without all of which wars are impossible and their results fruitless of good to the people.

Charles Carroll of Carrollton chose the less showy part. He formulated policy, inspired patriotism, collected troops and provided for their maintenance, guided public sentiment toward liberty, yet retained it short of license, embodied into laws rules of action for the people to fit the time, meet their aspirations, and safeguard the liberties which they won by blood and battle, not only from foreign but domestic attack.

The convention of Maryland assembled July 26, 1775, and at once adopted resolutions throwing off the proprietary power and assuming a provisional government. This convention issued its declaration of independence, known as the "Association of the Freemen of Maryland," in which they approved the resistance of British aggression by force, pledged themselves to sustain this opposition, and gave as their principal reason for such a course not their own wrongs, but the oppression of the province of Massachusetts Bay by the British. Carroll was a member of this convention and a signer of the articles of the association.

This association vested all the power of government in a provincial convention, and Carroll became a member of this convention. The executive power of the new government was conferred by this convention upon a committee of safety, consisting of sixteen members, and Carroll became a member of this committee, which had full charge of military and naval affairs. The glorious record of Maryland troops, which I have just faintly and partially reviewed, therefore was attributable in a large measure to his care and executive ability.

As a member of this committee and of the committee of observation of his county, as a commissioner with Samuel Chase, of Maryland, and Dr. Franklin to Canada to persuade her to join the colonies, as a member of Congress, as a member of the board of war and the committee on foreign applications, as a member of the senate of Maryland and of the United States Senate for many years, he did industrious, laborious, and distinguished service in conducting the war to a successful conclusion, securing the independence of the colonies and reorganizing society in the province and nation into well-regulated governments.

To follow him through the various public functions he performed would be to write the civic history of the State and nation during their struggles, and I shall but revert to some of his most distinguished services to both as a constructive statesman.

To him perhaps more than to any other single man was due the honor for securing official action by the colony in favor of casting her lot with her sister colonies. The people of the province met in convention on May 8, 1776, to select delegates to Congress, which was to decide whether the colonies should declare their independence, and agreed in this convention by resolution that the interests of the colonies would be best subserved by a reunion with Great Britain. Charles Carroll was absent, but at a subsequent session, June 21, he was present, and, prevailing upon the delegates to reverse their former action, prepared and succeeded in having adopted a resolution instructing Maryland's delegates in Congress "to join her sister colonies in declaring the united colonies free and independent States," with the proviso (which showed his zealous care of the autonomy of the State), that "the sole and exclusive right of regulating the internal government of the colony be reserved to the people thereof."

The recent tendency to elect Senators by the popular vote gives peculiar interest to the fact that Charles Carroll of Carrollton, as a member of the first constitutional convention of Maryland, was the author of the method of electing the Senators of that State by electors chosen by the people and not by the people directly. This method, which obtained in Maryland until 1837, six years after his death, differed from that of every other colony that had up to that time framed a constitution, made the Maryland senate a famous body for many years, and furnished the model for the method afterwards prescribed in the Constitution of the United States for electing Senators thereof. It had the approval of Madison, Taney, and many others, and in the formative period of the State's early history secured the best ability of the State for the Senate and saved the people much hasty, ill-digested, and reckless legislation.

The necessity of perfect freedom of commerce between the States and the absence of any provision for it in the articles of confederation had perhaps as much to do with the framing of the Constitution of the United States, which made this country "one and inseparable, now and forever," as any other one thing. This necessity created the interstate-commerce clause in the Constitution, the shortest and perhaps the most benign and comprehensive provision in that great instrument; the clause through which alone it is conceded effective legislation may be enacted to regulate and control the so-called trusts. It is not, I apprehend, generally known that this necessity was first and most prominently developed in a controversy between Virginia and Maryland, which became acute in 1777. Virginia claimed the right to collect tolls on all vessels going through the capes into Chesapeake Bay, which right, if conceded, placed the trade of Maryland's principal port at the mercy of the State of Virginia.

Maryland resisted it, and in this year the two houses of the legislature appointed commissioners to meet those from Virginia to settle the jurisdiction of the rivers and the bay dividing the two States. Charles Carroll, Thomas Stone, and Brice Thomas Beale Worthington were selected with others from the house to prepare instructions for the guidance of the Maryland commissioners. This dispute convinced the States that all navigable interstate waters as well as all other means of interstate commerce must be within the regulation of a central and superior government, which was afterwards accomplished by the interstate-commerce clause.

Credit may be fairly claimed for Maryland, through Charles Carroll, of Carrollton, and her other representatives, for the promotion and accomplishment of another great national benefit, which has redounded richly to the welfare of the people—the surrender by the States to the General Government of all their western lands, which afterwards comprised the great Northwest Territory. Maryland first brought this matter to the attention of Congress, and persisted in her demand by refusing to sign the articles of confederation until this concession was made.

Maryland had been twice shorn of her territory, once by Pennsylvania and again by Virginia, and she was unwilling that these immense and unknown tracts, extending, as was thought in that day, to the Southern Sea, and subjugated by the blood of all the colonists, should be the sole estate of the several States which claimed them by vague titles.

This vast expanse, since divided into States and furnishing homes for thousands of prosperous American citizens, teeming with industry and rich in possessions of all kinds, owes in a large measure its present condition to the attitude of Maryland and the statesmanship of Charles Carroll of Carrollton, and the nation finds a better balance in the territorial area of its States.

Charles Carroll did not remain long in Congress, and, indeed, his career there does not seem to have been as brilliant in the two terms he served as his service in the State senate was. He resigned, after having been elected the third time, because, as he said:

> The great deal of time which was idly wasted in frivolous debates disgusted me so much that I thought I might spend mine better than by remaining a silent hearer of such speeches as neither edified, entertained, or instructed me.

Comment upon the wisdom of his reason is, perhaps, unnecessary here.

Elected to the first Senate of the United States under the Articles of Confederation, still holding his seat in the Maryland senate, he was an active and influential—nay, a leading figure in both. The roll of almost every important committee in the Maryland senate during his long service there, and that of almost every committee of importance in the Senate of the United States, until he resigned therefrom to avoid losing his seat in the senate of his State, contains the name of Charles Carroll of Carrollton.

His legislative career, sir, seems to have been distinguished rather by real, unattractive, effective work in preparing bills, reports, and public papers than in the discussion of questions on the

floor. Scarcely a communication passed between the two houses of the Maryland assembly during his service in its senate that he did not prepare and present that communication. Fearless independence characterized his attitude toward and vote upon public questions in both the Maryland legislature and in both Houses of Congress. The records of both contain many votes on which he stood alone, or nearly so. If he were alone it was the loneliness of righteousness—his solitude was the solitude of conscientious conviction. Secure in the confidence of his own rectitude, he did not fear to stand alone, but always, whether in reports or debate, gave reasons for his positions that inspired the confidence of his associates in his integrity and intelligence.

Devoted to human freedom, although a large owner of slaves, he introduced a bill into the United States Senate for the gradual abolishment of slavery. Honest in every instinct, he resolutely and invariably resisted the issuance by State or Nation of a depreciated or depreciating paper currency, and maintained his position by some of the strongest papers ever written upon that subject.

His fertile mind grasped with equal ease all public subjects, from the bestowal of titles on public officers in the United States, which he opposed, to intricate questions of revenue, finance, and diplomacy.

His skillful management of Maryland's fight for the national capital, which resulted in its location on Maryland soil on the banks of the Potomac, stamped him as an astute leader of men and conspires with many other evidences of his greatness to make the erection of a statue to him on this spot most fitting.

Nor was great capacity for public affairs the only talent of this many-sided man. There are few great business enterprises of his time and section with the promotion and active management of which his name is not connected. As one of the incorporators of and a stockholder in the Baltimore Iron Works, as an incorporator of the company then known as "The Proprietors of the Susquehanna Canal" (to make that river navigable from the border of Maryland to tidewater), as one of the commissioners of the State of Maryland to confer with those of Virginia for the opening and extension of navigation on the Potomac, which resulted in the renewal of the Potomac Company, the parent of the Chesapeake and Ohio Canal, and, finally, as the first of the American directors of the Baltimore and Ohio Railroad, he proved that his capabilities were not confined to abstract discussion of theories of government, but extended to the successful advancement of the material interests of the State.

Tall, straight, slender, graceful, and imposing in figure and mien, polished and courtly in manner and address, refined and cultivated in mind and spirit, pure of purpose and of lofty ideals and aspirations, he was the paragon of the gentleman, the patriot, and the statesman of his time.

Leading by ability, not pretense; persuading by reason, not sophistry; commanding by affection, not fear, he was a distinct and effective factor in all the great work of his generation until, with honors thick upon him and the consciousness of work well done, he retired from public life with the love of those who knew him best, the lofty esteem of those with whom he served his country, and the confidence, respect, and gratitude of all his fellow-citizens, and died lamented by every man who cherished honor and loved virtue.

In the heart of the older Maryland, where he located the capital of the United States, at the left hand of the great Samuel Adams, who fired the citizenship of Massachusetts, as he that of Maryland, into open resistance to oppression, looking toward Allen and Garfield, of Ohio, formed from the trackless Northwest, which he saved to the nation for the constructing of free States, and in company with Benton and Blair, of Missouri, who in a later crisis led their State to adhere to the Union, as he, in the first great crisis, led his to adhere to her sister colonies to throw off the tyranny of England, he, and they, and all their associates will stand as silent and continual monuments to the immortal truth they labored and fought to establish, that the collective will of individual freemen is the truth and only source of the power and authority of all the governments of man. [Loud applause.]

Mr. DALZELL. Mr. Speaker, nearly forty years ago the President of the United States was authorized by law to extend an invitation to each State of the Union to contribute to the Chamber of the old House of Representatives, now known as Statuary Hall, the figures in imperishable marble or bronze of not exceeding two of her deceased citizens, illustrious for their historic renown or for distinguished civil or military service such as might be deemed worthy of national commemoration.

It is matter of historic interest that the author of the proposition was that distinguished son of Vermont to whom the people of this country in largest part owe their splendid Congressional Library and who for a period of more than forty years in the House of Representatives and in the Senate rendered to his country illustrious public service, the late Senator Justin Morrill.

What he said in speaking to the passage of the bill in the House on April 19, 1864, is worthy of reproduction here at this time. With reference to the Hall of the old House he said:

> Congress is the guardian of this fine old Hall, surpassing in beauty all the rooms of this vast pile, and should protect it from desecration. Its noble columns from a quarry exhausted and incapable of reproduction—
>
> "Nature formed but one,
> And broke the die in molding."
>
> Its democratic simplicity and grandeur of style and its wealth of association, with many earnest and eloquent chapters in the history of our country, deserve perpetuity at the hands of an American Congress. It was here that many of our most distinguished men, whose fame "the world will not willingly let die," began or ended their career.
>
> It appears to me eminently proper, therefore, that this House should take the initiative in setting apart with reverent affection the Hall, so charged with precious memories, to some purpose of usefulness and dignity. To what end more useful or grand, and at the same time simple and inexpensive, can we devote it than to ordain that it shall be set apart for the reception of such statuary as each State shall elect to be deserving of this lasting commemoration? Will not all the States with generous emulation proudly respond, and thus furnish a new evidence that the Union will clasp and hold forever all its jewels—the glories of the past, civil, military, and judicial—in one hallowed spot where those who will be here to aid in carrying on the Government may daily receive fresh inspiration and new incentives.
>
> "To scorn delights and live laborious days?" and where pilgrims from all parts of the Union, as well as from foreign lands, may come and behold a gallery filled with such American manhood as succeeding generations will delight to honor, and see also the actual form and mold of those who have inerasably fixed their names on the pages of history.

Whether the conception was original with Mr. Morrill or not, I do not know. It may be that it had been his fortune to visit St. Stephen's Hall in the new palace of Westminster and to behold on either hand "the statues of Parliamentary statesmen who rose to eminence by the eloquence and abilities they displayed in the House of Commons;" of Hampden, the apostle of liberty, in an age of royal arrogance; of Falkland, Clarendon, Selden, Somers, and Mansfield, immortal in the annals of English law; of Sir Robert Walpole, Fox, Burk, and Grattan, unsurpassed in the logical and thrilling eloquence of English speech; of the Earl of Chatham, America's friend in her time of need, and of his brilliant son, incomparable statesman even in his early manhood, and, equally with his father, dear to us in his devotion to our cause, William Pitt.

It may be that, thrilled with the emotions of his sight, he contemplated an array of American statesmen, orators, and public men who in our American capital should challenge comparison with this array of the mother country in her historic hall. However that may be, it is nevertheless true that while "the actual form and mold of Justin Morrill, who has inerasably fixed his name on the pages of our history, does not appear in our Hall of Statues, it is also true that column and arch and the artistic whole bear testimony to his memory and are suggestive of his patriotic foresight.

Maryland to-day asserts her right to a place in the gallery of our heroes and presents to the nation the statues of two of her citizens illustrious for their historic renown, distinguished for civic service, and worthy of national commemoration, and prays judgment upon her choice.

In this ceremony Pennsylvania is no intruder. She claims a right to a part in the imposing exercises. William Penn and George Calvert (Lord Baltimore) were twin pioneers in an adventure upon a new continent. Quaker and Roman Catholic, they each sought a virgin soil on which to plant and nourish the principles of civil and religious liberty. Knight-errants were they in the search for that of which England in her decadence under the rule of the Stuarts knew nothing. But more than that, Pennsylvania and Maryland have an intimate place in history, because of the fact that the royal grants to Penn and Calvert gave rise to a question of title that has a marked place in our national history. Parts of the same territory were included in each royal concession. Hence arose a controversy which was ultimately determined by the definition of Mason and Dixon's line—a line which for years was looked upon not only as dividing territory, but as the boundary between human liberty and the system of human slavery. Such line of demarcation, thank God, is now a thing of the forgotten and buried past. Pennsylvania and Maryland are now as they were in the beginning twin champions of the institutions which mean liberty to all men, and but recently the valor of their sons fighting in a common cause testifies their common interest in humanity, even to the shedding of blood on foreign soils. Theirs a common flag and a common creed of freedom.

Maryland asks the nation to accept as her contribution to its gallery of heroes John Hanson and Charles Carroll of Carrollton. John Hanson was a distinguished patriot of the times that tried men's souls, and fills a large place in the Maryland history of those times. Others will speak at length of his virtues and his title to our regard. I prefer to speak of that other distinguished man whose statue in bronze we face to-day in the company of the immortals whom the various States of this Union have set up with pride in our Capitol—Charles Carroll of Carrollton. As much as any man of his generation anywhere, and more than any

other man of his generation in Maryland—and there were giants in those days—he stands for that generation's grand conception and heroic acts.

Born in 1737, he long outlived the contemporaries of his birth. Dying in 1832, at the age of 95 years, he is conspicuously known as the last survivor of the signers of the Declaration of Independence. But that is by no means his only title to an honorable fame. His life's history is unique. Thirty years he was a student, preparatory to a life of patriotic action equally long, and that was followed by another like period of rest and scholarly recreation in the practice of the virtues of citizenship which furnished to his contemporaries and to posterity an illustrious example for their guide and instruction. This triple career has no parallel in American history or, so far as I know, in any other. His first thirty years were spent partly in a home school, but mainly abroad in institutions of learning on the Continent, in a study of languages, of the arts, of philosophy, of all that conspires to make the accomplished and scholarly gentleman. He was a student of the civil law in France and of the common law in England.

Endowed by inheritance with great wealth he might have surrendered himself to the enjoyment of ease and the comforts of life, without regard to the great questions that the period in which he lived presented. His life covered the period preceding the Revolution, the Revolutionary period, and that which succeeded it. In each and all of these he was a prominent and commanding figure. He was during his whole life conspicuously Maryland's champion of the cause of civil and religious liberty.

His sojourn and education abroad had no influence upon his *Americanism*. He returned to his home in Maryland an ardent patriot, imbued with the spirit of independence and prepared to give his life, his energies, and his talents to its service. He returned at a time when the storm clouds were already gathering that presaged the Revolution, and he enrolled himself actively upon the side of the colonies and against the mother country. His scholarly and energetic pen was devoted to the task of creating and encouraging a patriotic and aggressive public opinion.

At one time a question arose in the house of delegates relative to the fees of civil officers of the colonial government. This the governor undertook to settle by a proclamation, and a question as to his right to do so became the subject of discussion in the public press. In a series of letters notable for their classic style, their convincing logic, and the spirit of freedom that pervaded them, under the nom de plume of First Citizen, Mr. Carroll assailed the governor's right. "In a land of freedom," said he, "this arbitrary exertion of the prerogative will not, must not, be endured." Although opposed by Mr. Daniel Dulaney, the provincial secretary, a man of great power as a writer and distinguished reputation as a lawyer, Mr. Carroll succeeded in securing the indorsement of public opinion, and the governor's proclamation was burnt by the common hangman. He early foresaw that the continued encroachment of England upon the rights of the colonies must inevitably result in war.

When Mr. Graves, a member of Parliament, asserted that 6,000 soldiers would easily march from one end of the colonies to the other, he replied:

So they may, but they will be masters of the spot only on which they encamp. They will find naught but enemies before and around them. If we are beaten in the plains we will retreat to our mountains and defy them. Our resources will increase with our difficulties. Necessity will force us to exertion, until, tired of combating in vain against a spirit which victory after victory can not subdue, your armies will evacuate our soil, and your country retire a great loser by the contest.

In June, 1774, the delegates of Maryland as a protest against British aggression declared the importation of tea to be unlawful. A certain Mr. Stewart, a friend of Mr. Carroll's, was a consignee of a cargo of the forbidden merchandise in his brig *Peggy Stewart*.

Indignant people rose up to prevent the unloading. Mr. Carroll was appealed to by the owner for protection. Setting aside, however, his personal esteem for his friend, he declared the importation to be in defiance of the law, and said "My advice is that he (the owner) set fire to the vessel and burn her, together with the tea that she contains, to the water's edge," and this was done. In the Revolutionary period Charles Carroll of Carrollton filled many conspicuous and important as well as laborious offices in which his services proved of great advantage to the cause of the struggling colonists. He was a member of the first committee of observation in Maryland and a delegate in the provincial convention.

That convention at one time instructed the Maryland Representative in the General Congress "To disavow in the most solemn manner all design in the colonies of independence."

He secured a repeal of these instructions and a substitution in their stead of a direction to the Representatives "To concur with the other united colonies, or a majority of them, in declaring the united colonies free and independent States."

He was one of the three commissioners—Samuel Chase and Dr. Franklin being the others—appointed to effect if possible a coalition between Canada and the colonies against the mother country.

Had the attempt, which failed, been successful and had Canada joined forces in the cause of independence, how different might now have been the complexion of the American Union! He was a member of the Congress that gave to the world the Declaration of Independence and one of the signers of that great instrument. He was a member of the board of war and continued while on that board and in Congress to be a member also of the Maryland convention. He was one of the committee appointed to draft the constitution of his State. After the adoption of the constitution, he was twice United States Senator from the State of Maryland. He was one of the commissioners for settling the boundary line between Maryland and Virginia.

I do not regard this as a proper occasion on which to attempt a lengthy or detailed review of the life of Charles Carroll of Carrollton. What I have said is sufficient to indicate that in the choice of his statue for Statuary Hall Maryland has complied with the strict letter of the law and contributed one of her citizens illustrious for historic renown and distinguished for civil service worthy of national commemoration.

Charles Carroll was an ardent Federalist, and with the downfall of that party in 1801 laid down the burdens of public and retired to private life. He was then 64 years of age. There yet remained to him, as the sequel showed, thirty-two years more of life, all of which were spent in the enjoyment of a dignified leisure, in scholarly pursuits, and in the practice of his religion, to which he was ardently devoted. He was an enthusiastic Roman Catholic, faithful to the teachings of his church and observant of its customs and obligations.

A scholar, a statesman, a man of affairs, a Christian gentleman, he was idolized by his fellow-citizens, not only for what he had done, but for what he was in himself and by way of example to others.

Since I came into this Hall this afternoon I find that so honored and conspicuous a figure was Charles Carroll in his old age that he received express recognition from Congress. I find the following letter, written to him by Andrew Stevenson, the Speaker of the House:

WASHINGTON, *May 22, 1828.*

SIR: I have the honor to communicate to you, by direction of the House of Representatives, the inclosed joint resolution of both Houses of Congress, extending to you, as the only surviving signer of the Declaration of Independence, the privilege of franking. You will be pleased, sir, to receive it as a token of the distinguished respect and veneration which Congress entertains toward an early and devoted friend to liberty, and one who stood preeminently forward in the purest and noblest band of patriots that this world has ever seen.

I can not resist the gratification which this opportunity affords of publicly testifying the strong sentiments of esteem and veneration which, individually, I entertain for your character and services, and expressing an earnest hope that the evening of your long life may be as peaceful and happy as it has been active and useful.

I have the honor to be, sir, your obedient and faithful servant,

ANDREW STEVENSON,
Speaker of the House of Representatives of the United States.

It was his happy lot to see the Government that he had helped to found grow in strength and influence; to see his country expand in territory and wealth, and to be inspired with the faith that the future held in store for it only continued and progressive advances.

Charles Carroll of Carrollton's title to enduring fame rests upon the fact that he was a lover of and a successful worker in the cause of human liberty.

A great American orator once said, in speaking about statues:

The honors we grant mark how high we stand, and they educate the future. The men we honor and the maxims we lay down in measuring our favorites show the level and morals of the time.

Mr. Speaker, we may safely abide admeasurement by this standard when we introduce into our American Pantheon Charles Carroll of Carrollton.

Could some miracle for the time being breathe the breath of life into the figures that adorn our Statuary Hall, Carroll would need no introduction to that company, nor would that company need introduction to him. The one touch of nature that makes the whole world kin would be found in the common love of liberty, in the common devotion to its principles, and in the common life service in its cause. It would be a goodly company, in which there could be no rivalry as between its members, except rivalry as to extreme devotion to country and to fellow-man; a company that includes soldiers and statesmen, diplomats, and men who have been potent factors in the advancement of civilization; such a soldier as the chivalric and knightly Kearny; such a diplomat as Livingston, who gave to us our empire west of the Mississippi; such an agent of civilization as Robert Fulton, creator of commerce; such a statesman as Webster, expounder of the Constitution; and, peerless in the world's history among the champions of liberty, the immortal Washington. [Loud applause.]

Mr. SCHIRM. Mr. Speaker, to commemorate her great men and to perpetuate the glory of their deeds by public ceremonies and in lasting works of art are the fitting acts of a great nation.

They inspire veneration for the past and infuse hope for the future. Love of country is thereby stimulated in the bosoms of both young and old, and the spirit of sacrifice wins the devotion of the heart for future crises. A country without monuments is a living death—she throws no beam of light upon the untrodden path of the future. To her humanity looks in vain for a guiding star, but a country that molds in bronze and stone her tributes to greatness ever lives, and tells the story of her achievements to the recurring centuries with charming eloquence. Sensible of these facts, the law of our land has provided that each State might send the effigies of two of her chosen sons to be placed permanently in the National Statuary Hall.

It pleases the fancy to reflect that in that hall the House of Representatives held its meetings until the completion of this magnificent Chamber, and the imagination, Pygmalion-like, conjures into living form the statues of those patriots who, by their oratory in the forum of the House or by their heroism upon the fields of battle, won laurels for themselves and shed luster upon the pages of American history.

The State of Maryland has now availed itself of its privilege and erected among those silent witnesses of great events and the doers of great deeds the effigies of two of her illustrious sons, Charles Carroll of Carrollton and John Hanson.

My worthy and eloquent colleague has already portrayed the character and achievements of Charles Carroll of Carrollton, and the pleasant duty has been assigned me of performing a similar office in honor of John Hanson.

The little colony of Maryland played an important part in the gigantic drama which closed with the independence of the United States; and it is from this period that Maryland has made both of her selections. So many able and brilliant men have graced the history of our State that much embarrassment was encountered in choosing but two upon whom to confer this distinction, for fear that thereby injustice might seem to have been intentionally done to others. Had we been privileged we could easily have filled all available space with effigies of renowned Marylanders and yet have felt dissatisfied that others equally worthy could not be added.

Among jurists the name of Roger B. Taney, Chief Justice of the Supreme Bench of the United States, suggests itself; among statesmen, Samuel Chase; among orators, William Pinkney and Henry Winter Davis; among soldiers, Col. John Eager Howard, who with the Maryland Line saved the day at Cowpens, Gen. Otho H Williams, whose genius was displayed on many fields, and Lieut. Col. Tench Tilghman, who was an aid on the staff of General Washington; as a promoter of religious freedom, Cæcilius Calvert; as a writer of national anthems, Francis Scott Key, who gave to our country the Star Spangled Banner when he saw by the dawn's early light that our flag was still floating over the ramparts of Fort McHenry.

To John Hanson, however, belongs the distinction of having held the highest Federal office ever conferred upon a Marylander, that of President of the United States in Congress assembled, and of having done more than any other one man in the colony to destroy the supremacy of Great Britain. John Hanson was born at Mulberry Grove, Charles County, Md., on April 3, 1721. The Hanson family was a large one, and many of them found their way into the public service. His grandfather, Colonel Hanson, fell at Lützen for the cause of religious liberty; his oldest brother, Judge Walter Hanson, was commissary for Charles County; his brother Samuel was a patriot, and presented to General Washington £800 sterling to provide shoes for his barefoot soldiers; William, his youngest brother, was examiner-general of Maryland; his son, Alexander Contee, was a patriot and intimate with Washington. He was one of the first judges of the general court and chancellor of the State; he was an elector for Washington, and compiled the laws of Maryland; his son, Samuel, was a surgeon in the Life Guards of Washington, and his son, Peter Contee, of the Maryland Line, was wounded at Fort Washington.

The first mention of John Hanson in public life is as a delegate from Charles County to the lower house of assembly, in which he served nine terms. The disputes which arose between the two houses of assembly upon the burning questions of the day brought to the lower house, composed of the representatives of the people in the province, the ablest men in Maryland. He carried to that body a matured mind, which was there trained for the higher and more important responsibilities that awaited him in a broader field. At the close of the French and Indian war the tide of immigration turned to the fertile regions of Frederick County, and thither, in 1773, John Hanson followed the long train of sturdy home builders. In his new environment his personal magnetism was soon felt; his sound judgment and honesty of character won for him the respect and confidence of the people. His advice was eagerly sought in those times of growing dissatisfaction, and, through his efforts, the citizens of Frederick County became devoted to the principles of the Revolution and firm in their resistance to the oppressions of the mother country.

His influence constantly increased and he was the leading spirit among a band of determined patriots during the transition of Maryland from a dependent, proprietary province into a sovereign State. During this period of transition there gradually grew up side by side with the proprietary government another government—a government of the people. The latter was an outgrowth of the restless desire for freedom, and its formidable character was not suspected until it became too powerful to be checked. This new government consisted of a general convention of the province and its council of safety, while in the counties there were mass meetings and committees of observation, with an embryo department of state called a committee of correspondence. Hanson was a member of the convention and served as chairman of both the committee of observation and the committee of correspondence in Frederick County. To these honors was added that of treasurer of the county, and to him were intrusted all the funds to pay the soldiers and the delegates to Congress.

John Hanson was a silent, but no less effective, power. His activity was of that character as to require secrecy to make his plans effective. When, however, the crisis had been reached, when bold and fearless words were needed to arouse the resolution and strengthen the purpose of his compatriots, he arose in the convention in July, 1775, and with the unflinching determination of Patrick Henry declared that they would "repel force by force," and pledged himself to support the "present opposition." These were timely words. Enthusiasm was rekindled; other colonies heard them and rejoiced. From that day the colonists in Maryland were bound in closer union. Upon John Hanson primarily devolved the task of organizing and equipping the army. Money was scarce, arms and ammunition were scarcer, but his resourceful mind knew no obstacles.

Under his direction two companies of riflemen were sent to join the army at Boston, and these were the first troops that came from the South to Washington's assistance. Forty companies of minutemen were organized, and the whole of Maryland was put upon the defensive. Arms were manufactured, powdermills erected, and money provided through voluntary contributions. So thorough was his work that when 13,800 militia were required to reinforce the army, Maryland furnished much more than her full quota. That he had the confidence of the Government is evidenced from the fact that President Hancock made him one of a committee of two to transmit $300,000 to General Washington for the maintenance of the army in Canada, and by the further fact that he was one of the committee of four deputized to reorganize the Maryland troops, for which purpose Congress furnished the committee with blank commissions to be issued under the advice of General Washington, to officers who reenlisted after the term of their enlistment had expired.

John Hanson rendered one service to his country that can not be too greatly extolled. Lord Dunmore, the proprietary governor of Virginia, conceived the plan of arming the Indians on the frontier and to make a simultaneous attack upon the colonies from the back country and from the coast. It was planned first to fall upon Fort Pitt, in Pennsylvania, and thence to work their way eastward to Alexandria, Va., in which vicinity there was a fleet of 90 British ships prepared to continue the onslaught along the waterways. The designs of Lord Dunmore were soon detected by Hanson and by his vigilance frustrated. Dr. John Connolly, one of the chief conspirators, who had been carrying dispatches from General Gage to Lord Dunmore, and who had been operating with the Cherokee, Swanee, Mingo, and Delaware tribes, with several of his comrades, fell into the hands of the minute men of Maryland, near Hagerstown, while they were on their way to Detroit. The arrest of these allies of the King and Parliament, of General Gage and Lord Dunmore, was followed by their imprisonment, and the conspiracy died.

About four years later, in 1779, in another sphere of action, John Hanson again proved himself the man of the hour.

Maryland had persistently refused to agree to the Articles of Confederation until some provision had been made for settling the question of the Western domain. That Maryland was right in her contention subsequent events have established; but a crisis had been reached upon which may have devolved the very existence of the Union. John Hanson, believing that the failure to effect a union would probably mean the loss of everything that had been achieved and that through union alone the perplexing questions could be solved, set to work to have the bar to a complete union removed. His attitude at this time was not unlike that of President Lincoln at a later period of our national history.

Hanson's efforts were rewarded by the passage of an act to empower the delegates of this State in Congress to subscribe and ratify the Articles of Confederation, and accordingly, on the 1st day of March, 1781, John Hanson and Daniel Carroll, as delegates of the State of Maryland, put their signatures to the document which was the beginning of the indissoluble Union of the United States. This having been accomplished, he threw his

entire force into the debate on the western land question. That question was settled according to the judgment of Maryland, and out of that vast territory which became the common property of all the States were carved the newer States of Ohio, Indiana, Illinois, Michigan, and a part of Wisconsin.

John Hanson was three times elected to the Continental Congress, and after his third election was elevated to the position of President of that body. During his first and second terms in Congress he was shown the distinction of being elected also to the lower house of the State. After twenty-five years of public service, rich with the honors that become the man with a clear mind and an incorruptible heart, he retired to private life and spent his last days at Oxon Hill, Prince George County, Md., where he died November 22, 1783.

John Hanson was one of those modest, unassuming great men who seek no glory for themselves, but find their highest reward in the good that accrues from their efforts to the great body of the people. He was essentially a thinker, a contriver, an unraveler of knotty points, a man to whom the people looked when other leaders said, "What shall we do now?" In those days, when there was great diversity of opinion among men of equal ability and patriotism, John Hanson proved himself a master in bringing to the front the central idea and enlisting the support of all men who in their adherence to the chief thought lost sight of minor differences. He was of a reflective temperament, weighing well each proposition, and standing firm by his decisions. Too little tribute has heretofore been paid to those quiet, thoughtful men who have furnished the basic ideas upon which governments have been founded and for which armies have contended. Behind the man behind the gun is the idea, the principle, the conviction, which justifies his use of arms, and without which an army becomes an irresponsible mob. It has been said that it is sweet and beautiful to die for one's country, but it is no less sublime to give to one's country sound doctrine and imperishable tenets. The statue of John Hanson, representing him in a reflective attitude, I now formally present to our country, whose Government he so grandly helped to establish. [Loud applause.]

Mr. Speaker, I move the adoption of the resolution offered by my colleague.

The SPEAKER pro tempore (Mr. GROSVENOR). The question is on agreeing to the resolution offered by the gentleman from Maryland [Mr. PEARRE].

The resolution was agreed to.

Mr. LACEY. Mr. Speaker, it is my sad duty to announce the death of my colleague, Hon. JOHN N. W. RUMPLE, who, at 4 o'clock this morning, after a long and painful illness, was called to his final reward.

Iowa has lost one of her most distinguished and pure-minded citizens; this House has been deprived of one of its ablest and worthiest members, and the veterans of the civil war have lost an earnest friend and comrade.

I will not now speak further of his life and character, but at some future time his colleagues will ask the House to set apart a suitable time for the purpose of paying tribute to his memory.

Mr. Speaker, I move the adoption of the resolutions which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the House of Representatives has learned with deep sorrow and regret of the death of the Hon. JOHN N. W. RUMPLE, member of this House from the State of Iowa.

Resolved, That a committee of members of the House, with such members of the Senate as may be joined, be appointed to take order concerning the funeral of the deceased.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy of the same to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the House do now adjourn.

The resolutions were agreed to.

The SPEAKER pro tempore. Pending the announcement of the result, the Chair, with the unanimous consent of the House, will appoint the following committee: Mr. HEDGE of Iowa, Mr. THOMAS of Iowa, Mr. HAUGEN of Iowa, Mr. SMITH of Iowa, Mr. CONNER of Iowa, Mr. HEMENWAY of Indiana, Mr. PRINCE of Illinois, Mr. GARDNER of Michigan, Mr. APLIN of Michigan, Mr. DARRAGH of Michigan, Mr. PAYNE of New York, Mr. GROSVENOR of Ohio, Mr. DALZELL of Pennsylvania, Mr. RICHARDSON of Tennessee, Mr. ADAMSON of Georgia, and Mr. CROWLEY of Illinois.

The resolutions are agreed to; and, in accordance with the order previously made, the House will stand adjourned until to-morrow, Sunday, February 1, at 12 o'clock noon.

Accordingly (at 4 o'clock and 39 minutes p. m.) the House adjourned until Sunday, February 1, at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect of the Treasury submitting an estimate of appropriation for rental of buildings at Greensboro, N. C.—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. CURRIER, from the Committee on Patents, to which was referred the bill of the House (H. R. 17085) to effectuate the provisions of the additional act of the International Convention for the Protection of Industrial Property, reported the same without amendment, accompanied by a report (No. 3426); which said bill and report were referred to the House Calendar.

Mr. PARKER, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 17) requiring all corporations engaged in interstate commerce to file returns with the Secretary of the Treasury, disclosing their true financial condition, and of their capital stock, and imposing a tax upon such as have outstanding capital stock unpaid in whole or in part, submitted his views, to accompany report (No. 3375, part 3); which said views were referred to the Committee of the Whole House on the state of the Union.

Mr. NEVIN, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 17) requiring all corporations engaged in interstate commerce to file returns with the Secretary of the Treasury, disclosing their true financial condition, and of their capital stock, and imposing a tax upon such as have outstanding capital stock unpaid in whole or in part, submitted his views, to accompany report (No. 3375, part 4); which said views were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. MERCER: A bill (H. R. 17167) providing for the purchase of a site and the erection thereon of stables for the use of the Government—to the Committee on Public Buildings and Grounds.

By Mr. DALZELL: A bill (H. R. 17168) to increase the efficiency and safety of the mercantile marine of the United States by creating a commission to revise the laws relating to construction, installation, and inspection of marine boilers, to provide uniformity of inspection of marine boilers in the United States and insular possessions, and for other purposes—to the Committee on the Merchant Marine and Fisheries.

By Mr. RANDELL of Texas: A bill (H. R. 17169) relating to damages by certain corporations in the Indian Territory concerning fellow-servants, and for other purposes—to the Committee on Indian Affairs.

By Mr. REEVES: A bill (H. R. 17170) to amend an act entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved June 13, 1902—to the Committee on Interstate and Foreign Commerce.

By Mr. JENKINS: A joint resolution (H. J. Res. 258) proposing an amendment to the Constitution of the United States prohibiting bigamy and polygamy—to the Committee on the Judiciary.

By Mr. McCLEARY: A concurrent resolution (H. C. Res. 77) to provide for the printing of the proceedings at the unveiling of the statue of the Count de Rochambeau—to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BENTON: A bill (H. R. 17171) granting a pension to Alfred G. O'Neal—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17172) granting an increase of pension to Daniel Willhoit—to the Committee on Invalid Pensions.

By Mr. BOREING: A bill (H. R. 17173) granting a pension to James S. Weddle—to the Committee on Invalid Pensions.

By Mr. CONRY: A bill (H. R. 17174) granting a pension to Susan J. Keller—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 17175) granting an increase of pension to John W. Ijams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17176) granting an increase of pension to William H. Howard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17177) granting an increase of pension to Amos B. Ferguson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17178) granting an increase of pension to James A. Davis—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 17179) granting an increase of pension to Christopher G. Divers—to the Committee on Invalid Pensions.

By Mr. DEEMER: A bill (H. R. 17180) granting an increase of pension to Jane Davison—to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 17181) granting a pension to William Harden Daniels—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17182) granting a pension to Elizabeth M. Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17183) granting a pension to Christopher C. Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17184) granting a pension to Catherine Smither—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17185) granting a pension to Kittie Shortlidge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17186) granting an increase of pension to John T. Rader—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17187) granting an increase of pension to Francis M. Northern—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17188) granting an increase of pension to James H. Layne—to the Committee on Invalid Pensions.

Also, a bill (H. R. 17189) granting an increase of pension to Peter N. Eichammer—to the Committee on Pensions.

Also, a bill (H. R. 17190) granting an increase of pension to Joseph A. Brown—to the Committee on Invalid Pensions.

By Mr. McLAIN: A bill (H. R. 17191) for the relief of Gillie M. Pace—to the Committee on War Claims.

By Mr. MONDELL: A bill (H. R. 17192) authorizing the Secretary of the Interior to issue a patent to the city of Buffalo, Wyo., for certain tracts of land—to the Committee on the Public Lands.

By Mr. OLMSTED: A bill (H. R. 17193) granting a pension to Mary Zinn—to the Committee on Invalid Pensions.

By Mr. ROBB (by request): A bill (H. R. 17194) granting an increase of pension to Thomas Dipper—to the Committee on Invalid Pensions.

Also (by request): A bill (H. R. 17195) granting an increase of pension to Eli D. Hopkins—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 17196) granting an increase of pension to Charles W. Boyer—to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 17197) for the relief of Hannah B. Sabiston—to the Committee on Claims.

By Mr. HENRY C. SMITH: A bill (H. R. 17198) for the relief of James L. Carpenter—to the Committee on War Claims.

Also, a bill (H. R. 17199) for the relief of Mary E. Carey, executrix of the estate of James J. Newell, deceased—to the Committee on War Claims.

By Mr. SPARKMAN: A bill (H. R. 17200) for the relief of Adam L. Eichelberger—to the Committee on War Claims.

Also, a bill (H. R. 17201) to remove the charge of desertion from the military record of Andrew Brewton—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Resolutions of Moses Mendelssohn Lodge, No. 147, Order of B'rith Abraham, of Philadelphia, Pa., relating to methods of the Immigration Bureau at the port of New York—to the Committee on Immigration and Naturalization.

By Mr. BABCOCK: Petition of the Woman's Christian Temperance Union and citizens of Livingston, Wis., against the repeal of the canteen law, and in relation to the sale of liquor in immigrant stations, Government buildings, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. BENTON: Paper to accompany bill for a pension to Alfred G. O'Neal—to the Committee on Invalid Pensions.

Also, paper to accompany House bill for increase of pension of Daniel Willhoit—to the Committee on Invalid Pensions.

By Mr. BOWERSOCK: Protest of the Woman's Christian Temperance Union of Moran, Kans., against repeal of the anti-canteen law and also favoring the McCumber bill—to the Committee on Military Affairs.

By Mr. BURKE of South Dakota: Resolutions of the Black Hills Mining Men's Association, of South Dakota, favoring the establishment of an independent department of mines and mining—to the Committee on Mines and Mining.

By Mr. COUSINS: Protest of the First Methodist Episcopal Church of Mount Vernon, Iowa, against the repeal of the anti-canteen law—to the Committee on Military Affairs.

By Mr. DOVENER (by request): Petition of G. S. McFadden and 74 other citizens of Moundsville, W. Va., and vicinity, for 9-foot draft of water in the Ohio River—to the Committee on Rivers and Harbors.

Also, petition of the Woman's Christian Temperance Union of Burnsville, W. Va., to prohibit liquor selling in Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. ESCH: Papers to accompany House bill to correct the military record of Isaac d'Isay—to the Committee on Military Affairs.

By Mr. GOLDFOGLE: Resolutions of Meier Malheim Lodge, No. 64; Kaiser Friedrich Lodge, No. 10, Order of B'rith Abraham, and Jacob Lodge, No. 68; William Heller Lodge, No. 4, Sons of Benjamin, all of New York City, relating to methods of the immigration bureau at the port of New York—to the Committee on Immigration and Naturalization.

By Mr. HULL: Papers to accompany House bill 13142, granting a pension to Jonathan H. Mohler—to the Committee on Invalid Pensions.

By Mr. LLOYD: Petition of D. R. Brown, of Memphis, Mo., in favor of House bill 178, for reduction of tax on distilled spirits—to the Committee on Ways and Means.

By Mr. McANDREWS: Resolution of Local Union No. 416, Brotherhood of Carpenters and Joiners, of Chicago, Ill., relative to the repeal of the desert land and homestead commutation acts—to the Committee on the Public Lands.

By Mr. OTJEN: A joint resolution of the legislature of Wisconsin, relating to the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. SHALLENBERGER: Petition of Ragsdall & Son and others of Kenesaw, Nebr., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. SIMS: Petition of A. M. Roberts and other citizens of Densons Landing, Tenn., in favor of the post-check currency bills—to the Committee on the Post-Office and Post-Roads.

By Mr. STEPHENS of Texas: Petition of druggists, confectioners, and other citizens of Vernon, Tex., urging the reduction of the tax on alcohol used in soda drinks and extracts—to the Committee on Ways and Means.

By Mr. THOMAS of North Carolina: Petition of citizens of Beaufort, N. C., for the construction of the inland waterway—to the Committee on Rivers and Harbors.

By Mr. WARNER: Petitions of retail druggists of Decatur, Mattoon, Charleston, Sidney, Ogden, and Bethany, Ill., urging the passage of House bill 178, for the reduction of the tax on alcohol—to the Committee on Ways and Means.

By Mr. WRIGHT: Petitions of the Woman's Christian Temperance Union and citizens of East Smithfield, Pa., in favor of the enactment of laws prohibiting the sale of intoxicating liquors in Government buildings and in immigrant stations—to the Committee on Alcoholic Liquor Traffic.

HOUSE OF REPRESENTATIVES.

SUNDAY, *February 1, 1903.*

The House met at 12 o'clock m.

The Clerk read the following letter:

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., February 1, 1903.

I hereby designate Hon. HENRY C. SMITH, of Michigan, as Speaker pro tempore this day.

D. B. HENDERSON, *Speaker.*

The SPEAKER pro tempore (Mr. HENRY C. SMITH). Prayer will be offered by the Chaplain.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

O Lord God and Father of us all, whose thoughts are above our thoughts and whose ways are past finding out, help us with faith to walk where we can not see the way, with confidence to trust where we can not solve the problems, that our lives may be sublime in faith and confidence, heroic in thought, word, and deed. How often in the midst of life and usefulness are those whom we love, honor, and respect taken from us, leaving the mind distracted and the heart desolate! How often has this Congress been visited by the Angel of Death! Only yesterday the sad news came to us that another member of this House has been taken from us, leaving a vacant seat and hearts rent with sorrow and grief. We pray most fervently that those who knew and loved him best may be comforted in the blessed thought that there is no death—that somewhere, some time, there will be a glad reunion. We thank Thee for the beautiful custom which prevails in the National Congress in setting apart a day for the purpose of eulogizing the departed. We are here to-day in memory of one whose life and works still live and will live in the minds and hearts of those who knew him and in the deeds wrought for his beloved country. Help us to emulate what was